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DEBATES OF THE LEGISLATIVE

ASSEMBLY OF

UNITED CANADA

Volume VIII

Part II

1849

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DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the

Centre d'Etude du Québec

and the

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General Editor

*Elizabeth Gibbs*

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Volume VIII, Part II

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Edited by

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CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS

5255, avenue Decelles, Montréal, Québec H3T 1V6





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\*Centre de recherche en histoire économique du Canada français



MONDAY, 26 FEBRUARY 1849.

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Prescott  
Election.

THE hour appointed for taking into consideration the Petition of William K. Mackenzie, Esquire, a freeholder of the County of Prescott, complaining of the undue Election and Return of Thomas Hall Johnson, Esquire, to represent the said County of Prescott in the present Parliament, being come;

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Serjeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House. And he went accordingly.

And being returned,--the House was called; and more than thirty Members being present,

Mr. Speaker called upon the Petitioner, his counsel or agent, to appear at the bar.

Mr. Mackenzie appeared at the bar, in his own behalf.

Mr. Speaker called upon the Sitting Member, his counsel or agent, to appear.

Mr. Johnson appeared in his place, in his own behalf.

Mr. Johnson presented a List of Witnesses in his own behalf; which was read by the Clerk, as followeth:--

Longueuil..... James M'Intosh, John Pattee, C. Johnson, junior.

Plantagenet..... John M'Queen, James FitzGerald, Thomas FitzGerald, Patrick Duggan, St. Orge Belfi, Stephen Bellord, William Faulkner, Henry Bradley, Donald M'Donald, Dem., Peter Georgen.

East Hawkesbury..... Hugh M'Kinnon, Adam M'Gill, Robert Hamilton, James Wyley, Zachariah M'Callum, Duncan M'Callum, Alexander Grey, William Grey, James Grey, Thomas Grey, Andrew Grey, James M'Intosh, James Forbs, Duncan Forbs,

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John M'Iver, Archibald C. LeRoy, Christopher Spratt, George Spratt, Alexander M'Rae.

Point Duchêne..... Archibald Cameron.

East Hawkesbury..... William Herriot, James Vanton, John Crawford, John Conway, Hugh Mark, James Mark, John Miller, James Hays, William Hays, Norman M'Leod, Alexander Morrison, William Whitney, John Bloomer, Joshua H. Johnson, Jonathan Shearman.

West Hawkesbury..... George Higginson, Alexander Fraser, weaver, Edward Sproul, senior, David Davidson, William Lough, near V.K.H., Lewis Hall, Henry Walker, James Stewart M'Kenzie, Robert Walker, John M'Gibbon, John M'Rae, 17 in 6th, Archibald M'Rae, 4 in 4th, John M'Rae, 16 in 8th, Roderick M'Rae, Norman M'Rae, Archibald M'Crimmon, Donald M'Crimmon, 9 in 7th, Duncan M'Gibbon, Thomas Higginson, Sr. Retg. Ofr.

Vankleek Hill..... John Fraser, Hiram Johnson, Duncan M'Leod, Charles Waters.

Caledonia..... John M'Cuaig, Angus M'Crimmon, Hugh Munro, Robert Douglas, Archibald M'Leod, Donald M'Rae, Norman M'Intosh, William M'Lean, Duncan M'Crimmon, Duncan M'Leod, 11 in 9th, Duncan M'Leod, W<sup>2</sup> 2 in 5th, Alexander M'Rae, James G. Bradley, William Bradley, Peter Stirling.

Gore..... Hugh M'Donald, Ronald M'Donald.

Alfred..... John Cashion, James Hughes, John Hughes, François Rodier, John Holmes.

Mr. Mackenzie handed in a List of Witnesses in his own behalf; which was read by the Clerk, as followeth:--

West Hawkesbury..... James Simpson, John Fraser, Duncan M'Leod, Henry Wellesly M'Cann, Alexander Macdonald, James Stuart, Paul M'Innes, Henry Walker, Hirman Johnson.

Plantagenet..... Donald M'Donald.

Caledonia..... Hersa Peck.

Mr. Speaker then desired the Serjeant at Arms to lock the doors.

And the doors being locked accordingly; and the Order of the day for taking the said Petition into consideration being read, the attestation of Mr. Speaker was

taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up; and the same was read by the Clerk, as followeth:--

I attest that this box was, on Saturday, the twenty-fourth day of February, 1849, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, "An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly," and to make more effectual provisions for such trials." A.N. Morin, Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as followeth:--

I attest that I did, on Saturday, the twenty-fourth day of February, 1849, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, "An Act to regulate the trial of Controverted Elections or Returns of Members to serve in the House of Assembly," and to make more effectual provision for such trials." W.B. Lindsay, Clerk Assembly.

The names of all the Members were then taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, the usual manner; and the following names were drawn, to which no objection was taken:--

1 <u>Sherwood</u> of TORONTO.	9 <u>Viger</u> ,	17 <u>Sir Allan N. MacNab</u> ,
2 <u>Cauchon</u> ,	10 <u>Cartier</u> ,	18 <u>Robinson</u> ,
3 <u>Malloch</u> ,	11 <u>Holmes</u> ,	19 <u>Fortier</u> ,
4 <u>Fergusson</u> ,	12 <u>Fournier</u> ,	20 <u>Price</u> ,
5 <u>Scott</u> of BYTOWN,	13 <u>Smith</u> of DURHAM.	21 <u>Notman</u> ,
6 <u>Boulton</u> of NORFOLK,	14 <u>Flint</u> ,	22 <u>Macdonald</u> of
7 <u>Beaubien</u> ,	15 <u>Smith</u> of FRONTENAC,	GLENGARRY.
8 <u>Chabot</u> ,	16 <u>Watts</u> ,	23 <u>Polette</u> .

Thirty-two other names were drawn and set aside, or excused, as follow:--

Two who were excused.

Two being upwards of sixty years of age.

One against whom a Petition is pending.

Eleven having served on Election Committees.

Sixteen who were absent.

Mr. Morrison was chosen Nominee for the Petitioner.

Mr. Lyon was chosen Nominee for the sitting Member.

The doors were then unlocked.

At twenty minutes to five o'clock, P.M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

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The twenty-nine names remaining in the boxes undrawn were read by the Clerk.

At five o'clock, P.M., the Clerk of the Select Committee delivered to the Clerk of this House, a List containing the names of the nine Members unstruck, composing the said Committee; which is as followeth:--

1 <u>Beaubien</u> ,	4 <u>Cartier</u> ,	7 <u>Flint</u> ,
2 <u>Chabot</u> ,	5 <u>Fournier</u> ,	8 <u>Fortier</u> ,
3 <u>Viger</u> ,	6 <u>Smith</u> of DURHAM,	9 <u>Polette</u> ,

Nominee for the Petitioner, Mr. Morrison.

Nominee for the sitting Member, Mr. Lyon.

Alfred Patrick, Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.



On motion of Mr. Morrison, seconded by Mr. Smith, of Durham,

Ordered, That the Select Committee be appointed to try the merits of the Petition of William K. Mackenzie, Esquire, a freeholder of the County of Prescott, complaining of the undue Election and Return of Thomas Hall Johnson, Esquire, to represent the said County in the present Parliament, do meet in the Committee Room, No. 4, to-morrow, at three o'clock, P.M.

St. Lawrence In-  
land Marine As-  
surance Company.

Mr. Speaker laid before the House, Statement of the Affairs of the St. Lawrence Inland Marine Assurance Company, for the year 1848, received in conformity to an Order of the House, of the 25th ultimo.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table;--

By Mr. Smith, of Frontenac,--The Petition of J. Marks, Esquire, and others, of the County of Frontenac.

By Sir Allan N. MacNab,--The Petition of the Hamilton Mercantile Library Association; and the Petition of Edmund Murney, Esquire, and others, of the County of Hastings.

By the Honorable Mr. Price,--The Petition of Martin M'Kinnon, of the Township of Vaughan, County of York.

By the Honorable Mr. Cameron, of Kent,--The Petition of James Emmerson and others, of the northern Townships of the County of Kent; the Petition of Murdoch M'Donnell, of the Town of Perth; and the Petition of Joseph D. Clement, President, and others, the Vice-Presidents, Officers, Committee of Management, and Members of the Brantford Mechanics' Institute.

By Mr. Egan,--The Petition of R. B. Hudson and others, of the Township of Bristol.

By Mr. Chauveau,--The Petition of Pierre Brunelle and others, of Cap Blanc, in the City of Quebec; two Petitions of Firmin Perrin, Esquire, of the Parish of Berthier; and the Petition of John M'Golrick and others, of the City of Quebec.

By the Honorable Mr. Sherwood,--The Petition of the Mayor, and Aldermen and Commonality of the City of Toronto (Municipal Council Bill).

By the Honorable Mr. Attorney General Baldwin,--The Petition of W. H. Anderson, Esquire, and others, stockholders and subscribers to the Quebec Protestant Cemetery Association; and the Petition of Joshua Wixon and others, of Pickering, Home District.

By Mr. Notman,--The Petition of Gideon Tiffany and others, of the Township of Delaware.

By Mr. Johnson,--The Petition of the Municipal Council of the District of Ottawa (Arrears of Land Tax).

By Mr. Dumas,--The Petition of John M'Conville and others, of the Parish of St. Paul.

By Mr. Sauvageau,--The Petition of F. Nye and others, of the County of Huntingdon.

By Mr. Burritt,--The Petition of John Ferguson, and others, of the County of Grenville; the Petition of Henry Burritt and others, of the Districts of Johnstown, Bathurst and Dalhousie; and the Petition of Samuel Crane and others, of the District of Johnstown.

By Mr. Sherwood, of Brockville,--The Petition of Adiel Sherwood, Esquire, Chairman and John Bacon, Secretary, on behalf of a public meeting of the Inhabitants of the District of Johnstown assembled at Brockville.

By Mr. Gugy,--The Petition of Frederick S. Verity and others, of the County of Beauharnois.

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the District of Simcoe (Clergy Reserves).

By the Honorable Mr. Merritt,--The Petition of James Oswald and others, of the District of Niagara; the Petition of William Davidson and others, of the first and second Concessions of the Township of Caistor, County of Lincoln; the Petition of the Honorable W. H. Merritt, President, and others, Directors of the Niagara Falls Suspension Bridge Company, and the Niagara Falls International Bridge Company; the

Petition of William Hewson and others, of the Township of Grantham; and the Petition of George Rykert, Esquire, Chairman, and Thomas Foley, Secretary on behalf of a meeting of the Inhabitants of the Town of St. Catharines, and the Township of Grantham.

By Mr. Laurin,--The Petition of A. Legendre, Esquire, and others, of the County of Lotbinière.

By the Honorable Mr. Macdonald,--The Petition of the City Council of the City of Kingston (Hospital).

By Mr. Brooks,--The Petition of A. T. Galt and others, of the County of Sherbrooke; and the Petition of Thomas Tait, Esquire, and others, of Windsor and other Townships.

By Mr. Christie,--The Petition of A. B. Papineau, of the Parish of St. Martin, District of Montreal, Esquire.

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec (Railroad); the Petition of Louis Fournier, Esquire, and others, of the Parish of St. Thomas, County of L'Islet; and the Petition of the Religious the Ursuline Ladies of Quebec.

Shipping of Seamen at Quebec.

The Honorable Mr. Cameron, of Kent, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 15th February, 1849, and praying that he would cause to be laid before the House, the Correspondence between the Imperial and the Canadian Governments, and between the latter and any private individuals, with reference to the Act to regulate the shipping of Seamen at the Port of Quebec.

Appendix (W.W.)

For the said Return, see Appendix (W.W.)

Message from His Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

ELGIN AND KINCARDINE.

St. Lawrence Canals.

The Governor General transmits to the Legislative Assembly, an Estimate of a Sum required immediately for the service of the St. Lawrence Canals; and in conformity to the provision of the 57th clause

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of the Union Act, he recommends this Estimate to the House of Assembly.

Government House, 26th February, 1849.

Estimate of the Amount required, during the year 1849, for the St. Lawrence Canals.

Galops, removing Coffer Dams and extending the River Pier .... £1900 0 0

Rapide Plat, removing Coffer Dam ..... 100 0 0

Farren's Point, do do ..... 50 0 0

Cornwall, do do and ..... 1200 0 0

extending Towing-path ..... 1056 0 0

Protection of banks, Slope-walling ..... 6400 0 0

Beauharnois, construction of Dams, and dredging ..... 2112 0 0

Slope-walling for protection of banks ..... 1500 0 0

Spare Gates ..... 2300 0 0

Lachine, removing Coffer Dams and extending Piers ..... 2583 12 0

Slope-walling to protect banks ..... 4641 5 10

To complete existing Contracts, and to construct Ditch

to remove further claims for damages ..... 4641 5 10

Expended generally on the St. Lawrence, under Orders of the Council, 23rd September, and 11th October last, but



not yet provided for .....	4218	0	0
Superintendence and Contingencies .....	1052	0	0
	<u>£29112</u>	<u>17</u>	<u>10</u>

F. HINCKS, Inspector General.

Inspector General's Office, Montreal, 26th February, 1849.

Halifax and  
Quebec Railway.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 22nd instant,--Map of Nova Scotia, New Brunswick, Prince Edward Island, and the Gulf of St. Lawrence, showing the route for the proposed Truck Line of Railway from Halifax to Quebec; by Brevet Major William Robinson, and Captain E.Y.W. Henderson, Royal Engineers, dated 31st August, 1848.

Answer to  
an Address.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported that he had, according to Order, waited upon His Excellency the Governor General, with the Address of this House of the 13th February instant, (that he would be pleased to remove John George Vansittart, Esquire, from being Inspector of Licenses for the District of Brock, as warning to others who shall hereafter fill the very responsible office of Returning Officer,) and had presented the same to His Excellency; and that His Excellency had been pleased to say, that he will give directions for doing what is desired by this House.

Petitions read.

Pursuant to the Orders of the day, the following Petitions were read:--

Of the Reverend L.M. Brassard and others, of Chambly, Longueuil, and other Parishes; praying for the passing of an Act to oblige the public to use a certain kind of winter vehicle, as described in the Sleigh Ordinance.

Of the Councillors of the Mohawk Nation of Indians of the Bay of Quinté, in behalf of their Tribe; praying that the proceeds of the Clergy Reserve Lands in the Township of Tyendinaga, granted to them in the year 1795, may be applied to their moral and religious instruction.

Of Hugh Maginnis and others, of the Township of Thurlow; praying that no extension of the limits of the Town of Belleville may be granted.

Of the Delegates of the Freeholders of the County of Lincoln, in public meeting assembled at St. Catharines; praying for certain amendments to the Division Courts Act, and for an extension of their jurisdiction.

Of the Delegates of the Freeholders of the County of Lincoln, in public meeting assembled at St. Catharines; praying for the amendment of the existing system of assessing for Statute labor.

Of the Municipal Council of the District of Niagara; praying that no final action may be had upon the Municipal Council Bill during the present Session.

Of Archibald Petrie and others, of the Township of Cumberland; praying that the proposed measure for increasing the Representation in Parliament may not pass into law.

Of William Duncan, Chairman, and John A. Simpson, Secretary, on behalf of a meeting of the Freeholders of the Township of Russell; praying that the said Township may be annexed to the District of Dalhousie.

Of G.G. Dunning and others, of the Township of Cumberland; of John M'Cauley and others, of the Township of Clarence; and of William Duncan, Chairman, and John A. Simpson, Secretary, on behalf of a meeting of the Freeholders of the Township of Russell, and Dalhousie; praying that the proposed measure for increasing the Representation in Parliament may not pass into a law, in so far as it affects the County of Russell.

Of Isaac H. Culp, of the Township of Stanford, District of Niagara; representing the services rendered by the late Robert Fernald, and the claim of his administrators for remuneration therefor.

Of the Reverend J.H. McLaughlin and others, Deacons and Laymen of Perth and its vicinity; praying that suitable provision be made for the College of Regimontie.

Of P.P. Russell and others, inhabitants of the District of Montreal; praying to be incorporated as the "Montreal and Missisquoi Railroad Company."

Of Doctor S. Gregory and others; praying that members of the Thomsonian Medical Society of Canada may be authorized to prescribe, and to collect payment for their professional services.

Of Joel Bigelow, Esquire, and Joseph Bigelow, Chairman and Secretary on behalf of the inhabitants of the Town of Lindsay, Township of Ops; praying for certain amendments to the existing system of granting tavern licenses.

Petition of F.C. Capreol; of R. Cairns; of G.O. Stuart; Of the Montreal New City Gas Company; Of John G. Mackenzie; Of G.D. Watson; Of J. Bedard and others;

Ordered, That the Petition of Frederick C. Capreol, Esquire, of the City of Toronto; the Petition of Robert Cairns, President of the Quebec Friendly Society; the Petition of George O'Kill Stuart, Esquire, Mayor, on behalf of the inhabitants of the City of Quebec; the Petition of the President and Directors of the New City Gas Company of Montreal; the Petition of John G. Mackenzie, Esquire, President of the City Bank; the Petition of George D. Watson, on behalf of the Board of Management of the Merchants' Exchange and Reading Room Association of Montreal; and the

Petition of J. Bedard and others, of the Town of Bytown, be referred to the Standing Committee on Standing Orders.

Of St. Michel Road Company;

Ordered, That the Petition of the St. Michel Road Company, be referred to the Select Committee to which was referred the Petition of J.O. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne, and other references.

MR. SOL. GEN. DRUMMOND propose que la pétition de Joseph Bistodeau et autres, demandant l'incorporation du village de St. Hyacinthe, soit référée à un comité composé de MM. Papineau, Bouthillier, Chauveau et du moteur.<sup>1</sup>

DR. BOUTHILLIER s'oppose à la nomination de ce comité; il a la plus grande confiance dans les membres qui le composent; mais il n'est pas juste d'y faire dominer une majorité des membres résidant dans les villes. Par déférence pour les habitants des campagnes, on doit ajouter à ce comité, qui aura à s'occuper d'intérêts divers, mais particuliers aux campagnes, d'autres membres, et propose que MM. Armstrong, Jobin, Davignon et Duchesnay soient ajoutés au comité.<sup>2</sup>

MR. SOL. GEN. DRUMMOND dit qu'il doit avertir la chambre que cette question est d'une grande importance, qu'il agit en ceci d'après une requête signée par la totalité des habitants du village de St. Hyacinthe. Le but est d'étendre les limites du village en lui donnant le nom de ville qu'il mérite plus que plusieurs villes du Haut-Canada. L'hon. membre pour le comté de St. Hyacinthe est le seul individu avec un autre qui s'y oppose à la mesure dont je suis chargé. Je dois dire à la chambre que d'après le projet de l'hon. membre pour St. Hyacinthe l'église, et la seule église qu'il y ait dans l'endroit sera hors du village; que le moulin et le pouvoir d'eau sur lequel le village ou plutôt la ville, doit fonder son espoir de prospérité se trouvera hors de la ville, que le port (quel port, demanda le Dr. Taché) que le port de St. Hyacinthe se trouvera aussi hors de la ville; que tout ceci démontre que la proposition est juste et ne doit rencontrer aucune objection fondée. Il s'oppose à la motion en amendement parce que les messieurs nommés ne connaissent pas St. Hyacinthe. M. Jobin n'a été qu'une fois à St. Hyacinthe. M. Drummond répète en anglais.<sup>3</sup>

M. FOURNIER trouve singulier que l'hon. membre pour Shefford, qui est étranger au comté de St. Hyacinthe, s'oppose à ce que le membre pour St. Hyacinthe ajoute quatre membres à ceux proposés par lui. Il ne peut retenir sa surprise et il espère que l'hon. membre pour Shefford ne s'opposera pas plus longtemps.<sup>4</sup>

M. CHABOT a toujours cru que, lorsqu'il s'élevait une discussion sur la nomination d'un comité, la chambre devait nommer le comité. Ce droit de nommer le comité



appartient à la chambre et ce n'est que par condescendance qu'elle le transfère aux membres; mais cela ne doit avoir lieu que dans les cas où il n'y a aucune objection. L'hon. membre pour Shefford voudrait avoir des personnes qui connaissent St. Hyacinthe. Cela n'est pas nécessaire; il y a des moyens de s'enquérir des choses. Si l'on ne connaissait que ce que l'on peut voir, on ne saurait que bien peu de choses. Ainsi donc je demande que la chambre nomme elle-même le comité.<sup>5</sup>

DR. BOUTHILLIER regrette beaucoup que l'hon. membre pour Shefford ait fait une allusion personnelle. Il se trouve en conséquence obligé de dire en chambre ce qu'il n'aurait voulu dire qu'en comité. L'objection qu'il a faite à la nomination du comité tel que proposé par l'hon. membre pour Shefford, n'est pas la seule. Au nombre de cinq membres nommés dans la motion, se trouve l'hon. membre pour St. Maurice, oncle du moteur et principal intéressé dans cette question. L'hon. membre pour Shefford l'est aussi lui-même.<sup>6</sup>

Je ne le suis aucunement, dit MR. SOL. GEN. DRUMMOND.<sup>7</sup>

DR. BOUTHILLIER.--Eh bien! si vous ne l'êtes pas directement, vous l'êtes du moins par parenté, l'hon. membre pour Shefford est le beau-frère d'un des co-signeurs intéressés dans cette question, un autre membre (M. Chauveau) s'est prononcé déjà sur cette question, il y a un an ou deux. Cependant il ne veut pas les exclure, il ne désire que faire une addition au comité. L'hon. membre pour Shefford a parlé du moulin, mais n'est-ce point aux agriculteurs qu'il est le plus utile et n'ont-ils pas raison de s'en assurer un accès facile. L'hon. membre pour Shefford trouve étrange aussi que l'on ne consente pas à donner au village l'église de la paroisse de St. Hyacinthe. Depuis 50 ou 60 ans la paroisse de St. Hyacinthe a déjà bâti trois églises. La dernière leur a coûté pas moins de £6,000; la paroisse ou plutôt les cultivateurs ont payé plus des deux tiers de cette somme pour la construction de cette église qu'ils n'ont fait aussi grande que pour subvenir au besoin du village. La paroisse en possède donc la plus grande partie. L'hon. membre pour Shefford a avancé qu'il (l'hon. membre pour St. Hyacinthe) était le seul, avec un autre, qui s'opposait à la mesure. L'hon. membre devait savoir que ce différent existe entre la paroisse et le village de St. Hyacinthe depuis longtemps; qu'il y a deux ans le conseil municipal de paroisse avait fixé des limites au village moins étendues que celle dont on se plaint aujourd'hui et que l'an dernier le conseil municipal du comté a aussi fait des limites. Il, (M. Bouthillier) n'agit pas en son nom, il ne fait qu'appuyer les décisions du conseil. Mais ceci, M. l'Orateur, n'est pas ce qu'il y a de plus étrange dans l'affaire. L'hon. membre pour Shefford allègue que la requête est signée par la presque totalité des habitants du village, ceci n'est pas correct; quatre-vingt personnes à peu près l'ont signée et la plupart d'elles ne l'ont fait, que parce qu'elles ont cru qu'en annexant au village une étendue considérable de propriétés agricoles, elles augmenteraient le revenu destiné à son amélioration. Cependant, M. l'Orateur, il en est tout autrement dans la requête, au lieu d'obtenir des secours les signataires accordent une exemption de taxes aux propriétaires du domaine seigneurial, sur lesquels, comme les membres de cette chambre ont pu le voir dans leur récente visite à St. Hyacinthe, doit d'étendre le village sur lequel sont déjà construits le dépôt du rail-road, la cour de justice; sur lequel aussi on construira bientôt probablement un nouveau marché et dans les environs duquel doit être construit le nouveau collège. M. Bouthillier lit ici cette clause de la requête en vertu de laquelle on demande l'exemption des taxes pour le domaine et autres propriétés rurales, la voici:

"Que vos pétitionnaires en demandant une profondeur un peu considérable n'ont pas d'autre but que de faire contrôler par la corporation qui sera élue par le village, le percement des rues nouvelles qui s'ouvriront prochainement sur les terrains en culture qui le bordent et qu'ils ne demandent par les présentes la passation à votre honorable chambre, ils établissent explicitement que tous les terrains en culture qui bordent le dit village ne seront point sujets aux cotisations municipales. Se bornant à demander par les présentes que les emplacements acutellement séparés de ces terrains en culture en (sic) qui le seront plus tard et qui sont actuellement bâtis, ou désignés comme lots à bâtir soient déclarés être sujets aux cotisations municipales.



Eh bien, M. l'Orateur, dit M. Bouthillier, je demande si avec une telle clause, si avec telle exemption de charges municipales, les grands propriétaires, les seigneurs, &c., n'attendront pas de grand prix pour vendre des emplacements et si ce n'est pas arrêter tous les progrès du village de St. Hyacinthe?<sup>8</sup>

M. PAPINEAU trouve extraordinaire que le membre pour St. Hyacinthe ait fait la remarque qu'on l'eut nommé sur le comité, lui qui est parent du seigneur intéressé dans cette mesure. Mais c'est ce qu'il faut des intéressés. Le seigneur a intérêt à la prospérité de son village. On a créé chez des habitants des craintes de taxes et autres fantômes. Ces idées répandues chez le peuple empêchent les progrès et font que les choses restent stationnaires.<sup>9</sup>

DR. BOUTHILLIER répète en anglais à peu près ce qu'il a dit en français, il ajoute qu'a deux ou trois exceptions près le village de St. Hyacinthe, d'après les limites du conseil serait un des plus grands du pays, il contiendrait une superficie de 675 arpents. Longueuil n'en a que 708. St. Eustache 216. Christieville 874. Phillipsburg 236. Varennes 150. St. Ours 108. St. Jean (y compris la commune) 1100. Chambly et La Prairie 468.<sup>10</sup>

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Of J. Bistodeau

*Resolved, That the Petition of Joseph Bistodeau and others, of*

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*and others,  
referred.*

*the Village of St. Hyacinthe, be referred to a Committee of seven Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records.*

*Ordered, That Mr. Solicitor General Drummond, Mr. Bouthillier, Mr. Armstrong, Mr. Davignon, Mr. Chauveau, Mr. Beaubien, and Mr. Duchesnay do compose the said Committee.*

Imports.

*The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 8th February instant, for a Statement, in detail, of the Imports into this Province for the year 1847 and 1848, and the value thereof, with the amount of Duties thereon, distinguishing between those Articles paying specific, and those paying ad valorem Duties.*

Appendix (X.X.)

*For the said Return, see Appendix (X.X.)*

Post Office  
Department.

*And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 22nd June, 1847, praying that His Excellency would be pleased to cause to be laid before them, copies of the Quarterly Returns made by the Deputy Post Master General to the Post Master General in England, shewing the receipts and expenditure of the Post Office Department in this Province, from the 5th July, 1844, to the latest period to which the Returns have been made up; also, a Return of the emoluments, including salary, allowances, and perquisites, separately stated, of the Deputy Post Master General and the other paid Officers in the Post Office Department at Montreal, Quebec, Kingston, and Toronto, from the 5th of January, 1843, to the 5th of April, 1847.*

Appendix (Y.Y.)

*For the said Return, see Appendix (Y.Y.)*

*Ordered, That the said Returns be printed for the use of the Members of this House.*

Tenth Report of  
Committee on  
Standing Orders.

*The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--*

*Your Committee have examined the Petition of John Yule, Esquire, and others, and find that the requisite notices have been given.*

*With respect to the Petition of G.B. Hall and others, praying for the incor-*

poration of Peterborough, they find that notice has been given in the Canada Gazette, and a copy of the Bill proposed to be introduced has been published at length in the Peterborough Gazette; but Your Committee do not consider the 66th Rule affects Petitions of this nature.

The Petition of George Poapst and others, relative to a survey of the ninth Concession of Cornwall, Your Committee do not conceive to be of such a nature as to require notice under the 66th Rule.

Report on Petition of C. Cazeau and others.

read at the Clerk's table.

Mr. Lemieux, from the Select Committee to which was referred the Petition of Charles Cazeau and others, Cullers of the District of Quebec, and other references, presented to the House the Report of the said Committee; which was

Appendix (Z.Z.)

For the said Report, see Appendix (Z.Z.)

Cullers' Act Amendment Bill.

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend the Act passed in the eighth year of Her Majesty's reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Leave of Absence.

Ordered, That Mr. Richards have leave to absent himself from this House for ten days, on account of illness in his family.

St. Lawrence Canals.

Ordered, That the Message of His Excellency the Governor General, delivered to the House this day, be committed to the Committee of Supply.

On motion of the Honorable Mr. Boulton, seconded by Mr. Notman,

Dr. Rees.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper Officer to lay before this House, copies of all correspondence between the Commissioners of Temporary Lunatic Asylum and the Government, during the Medical Superintendence of Dr. Rees, and between him and the Government, and him and the Commissioners in possession of the Government, and all other documents relating to the appointment and dismissal of Dr. Rees.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Hastings Registration of Titles Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Cameron, of Kent,

Militia Act.

Resolved, That this House do now resolve itself into a Committee to consider the expediency of amending that part of the Act 9 Vic. c.28, which relates to the enrolment of, and fines to be imposed on, Quakers, Menonists, and Tunkers, and of substituting other provisions in lieu thereof.

The House accordingly resolved itself into the said Committee.

Mr. Fortier took the Chair of the Committee; and after some time spent therein, Mr. Speaker resumed the Chair;



And Mr. Fortier reported, That the Committee had come to several Resolutions.  
 Ordered, That the Report be received to-morrow.

On motion of Mr. Scott, of Two Mountains, seconded by Mr. Wilson,  
Village Lots                      Resolved, That an humble Address be presented to His Excellency  
In Rawdon.                      the Governor General, praying that His Excellency will be  
    pleased to cause the proper Officer to lay before this  
 House, a Return of all Village Lots sold in Rawdon, County of Leinster, the number  
 of each Lot, to whom sold, date of sale and how and when paid; also, the names of  
 persons claiming pre-emption, the number of Lots so claimed, and a list of such Lots  
 as are not yet sold.

Ordered, That the said Address be presented to His Excellency the Governor General, by  
 such Members of this House as are of the Honorable the Executive Council of this  
 Province.

Stuart's Re-                      Ordered, That the Honorable Mr. Badgley have leave to bring in  
lief Bill.                      a Bill to enable Charles James Stuart, Esquire, to prac-

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tise the Law in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and  
 read for the first time; and ordered to be read a second time, on Thursday next.

Mutual and                      Ordered, That Mr. Morrison have leave to bring in a Bill to in-  
General Insurance                      corporate the Provincial Mutual and General Insurance Com-  
Bill.                      pany.

He accordingly presented the said Bill to the House, and the  
 same was received and read for the first time; and ordered to be read a second time,  
 on Wednesday, the seventh of March next.

Markham and Elgin                      Ordered, That Mr. Morrison have leave to bring in a Bill to  
Plank Road Bill.                      incorporate the Markham and Elgin Plank Road Company.

He accordingly presented the said Bill to the House, and the  
 same was received and read for the first time; and ordered to be read a second time,  
 on Monday, the nineteenth of March next.

Lotbinière Muni-                      Ordered, That Mr. Laurin have leave to bring in a Bill to di-  
cipalities Bill.                      vide the County of Lotbinière into two Municipalities.

He accordingly presented the said Bill to the House, and the  
 same was received and read for the first time; and ordered to be read a second time,  
 on Monday, the twelfth of March next.

Strychnine Pro-                      Ordered, That the Honorable Mr. Laterrière have leave to bring  
hibition Bill.                      in a Bill to prohibit the use of Strychnine and other  
    Poisons for the destruction of certain kinds of wild animals.

He accordingly presented the said Bill to the House, and the same was received and  
 read for the first time; and ordered to be read a second time, on Monday, the fifth  
 of March next.

MR. COM. CR. LANDS PRICE in answer to a motion of Mr. Stevenson for an Address  
 to His Excellency for correspondence relative to claim for compensation by Stephen  
Bowerman for an erroneous survey, stated that it would be against the Land Act to  
 give that compensation, but had no objection to bring down the papers.<sup>11</sup>

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On motion of Mr. Stevenson, seconded by the Honorable Mr. Robinson,

Stephen                      Resolved, That an humble Address be presented to His Excel-  
Bowerman.                      lency the Governor General, praying that he will be  
    pleased to cause to be laid before this House, by the  
 proper officer, copies of all papers and correspondence that may have taken place be-  
 tween the Executive Government and Stephen Bowerman, relating to a claim for com-



pensation for loss of land in consequence of an erroneous survey in the Township of Hallowell.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Hallowell and Sophiasburgh Boundary Line Bill.

Ordered, That Mr. Stevenson have leave to bring in a Bill to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth of March next.

Bathurst Boundary Line Bill.

Ordered, That Mr. Bell have leave to bring in a Bill to define the southern boundary of the Bathurst District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Petition of Rev. T. Smith and others.

Ordered, That the Petition of the Reverend T. Smith and others, Roman Catholics of Upper Canada, be printed for the use of the Members of this House.

Schools (U.C.)

Ordered, That the Report of the Superintendent of Schools of Upper Canada, for the year 1847, be printed for the use

of the Members of this House.

Stormont Election.

According to Order, Joseph Charles Taché, Esquire, Member for the County of Rimouski; Robert Bell, Esquire, Member for the County of Lanark; and Thomas Bouthillier, Esquire, Member for the County of St. Hyacinthe, who were absent, on Thursday last, from the Election and Return for the County of Stormont, severally attended in their places; and having satisfactory reasons for their not being present at the meeting of the Committee on that day, and having separately verified the same upon oath;

Ordered, That Mr. Taché, Mr. Bell, and Mr. Bouthillier be excused for not attending the Committee on Thursday last.

Joint Stock Road Companies (U.C.) Bill.

The Order of the day for the second reading of the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, being read;<sup>12</sup>

MR. H. BOULTON ((moved that)) a bill to incorporate Road Companies in Upper Canada ... ((be)) read a second time.<sup>13</sup>

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The Bill was accordingly read a second time; and committed to a committee of the whole House, for this day.

Road and Bridge Companies (U.C.) Bills.

The Order of the day for the second reading of the Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada, being read;

The Bill was accordingly read a second time; and committed to the Committee of the whole House on the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, and Macadamized Roads therein.

On motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Cameron, of Kent,

Road and Bridge Bills.

Resolved, That this House do now resolve itself into a Committee on the Bill to authorize the formation of Joint

*Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, and on the Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Lemieux took the Chair of the Committee;*

MR. H. BOULTON said, that the object of his bill was to enable any number of persons, not less than ten, to make roads without having to come down every time to Parliament, at great expense, for a Bill; and to allow farmers, and others, an opportunity of subscribing without paying money down, by giving labor, or drawing stones when they might be otherwise employed.<sup>14</sup> He had no doubt that if the bill were passed, numbers of plank roads would be constructed throughout the country by the exertions of the farmers themselves, in the neighbourhood of the places where they were required, at the same time, he was disposed to give the Municipal Councils a certain degree of power, or rather a surveillance over the roads. It was a most important bill to Upper Canada, for nothing interested the people of that section of the Province more than good roads, and the possibility of obtaining them at a cheap rate, and every facility ought to be given them for that purpose.<sup>15</sup>

MR. ASST. COM. P.W. CAMERON said that the Bill was one of importance, and that great credit was due to the Hon. member for bringing it in. It had been objected to last Session of Parliament, as it was thought to give too much power in the hands of Companies; but he knew that the feelings of all parts of the country was (sic) now favourable to it. The question before the Committee was, whether the Bill of the Government would not be more safe, and if the negative power of the Bill of the Hon. gentleman was sufficiently strong. The Bill of the Government required that only five persons should have subscribed, but that 100 per cent should have been paid up, and the survey approved of by the District Council. He thought that the Bill of the Hon. gentleman had not sufficiently provided against failure, and the chance of making the country suffer from rash speculation. The Government measure provided for that, and gave the proper power in proper hands.<sup>16</sup> The District Councils were the proper parties to exercise that supervision.<sup>17</sup> He proposed to collect 12 percent from tolls.<sup>18</sup>

MR. ROBINSON thought that they might amalgamate the two Bills, and select the best parts of both.<sup>19</sup>

SIR A. MACNAB thought that the Committee had no power to make two Bills in one, and moved that the Committee rise and report progress.<sup>20</sup>

MR. H. BOULTON said, that they could receive a clause from any one Bill in the other.<sup>21</sup>

SIR A. MACNAB said that the Committee could not, without instructions from the House.<sup>22</sup>

MR. H. BOULTON said they might, if the Bills were not different.<sup>23</sup>

SIR A. MACNAB said, that it was better to have the question decided, and moved that the Chairman leave the Chair.<sup>24</sup>

MR. SOL. GEN. DRUMMOND thought that they could not combine two Bills together to make out anything satisfactory. He thought the two Bills the same in principle, but different in details. He thought that the provisions of the Bill should be extended to Lower Canada.<sup>25</sup>

MR. LAURIN.--No.<sup>26</sup>

MR. SOL. GEN. DRUMMOND.--The hon. gentleman who said "no" might oppose it as much as he liked, but he (Mr. D.) thought he would find that there was a majority of Lower Canadian members in the House in its favour, for they felt confident that numbers of people would be prepared to avail themselves of the privileges it afforded, and the consequence would be, that instead of the wretched roads they have at present, there would soon be excellent roads constructed everywhere throughout the country, not merely

in the Townships, but in the Seigneuries also.<sup>27</sup> ((He)) could not see why, if the people of Upper Canada have that privilege, the people of Lower Canada should not also; and with the hopes of making the Bill more effectual, he agreed with the hon. and gallant Knight, that the Committee should rise.<sup>28</sup>

MR. COM. CR. LANDS PRICE thought that they could go on, and take out parts of the Bill, and move them as so many amendments.<sup>29</sup>

SIR A. MACNAB said, they could not, and insisted that the Chairman leave the Chair.<sup>30</sup>

MR. LEMIEUX the CHAIRMAN left the Chair<sup>31</sup>.

MR. MORIN the SPEAKER said, that two Bills could not be combined, without instructions from the House.<sup>32</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Lemieux reported, That the Committee had made some progress, and had directed him to move for leave to sit again.*

*And the Question being put, That the Committee have leave to sit again:--It passed in the Negative.*

*Resolved, That the said Bills be referred to a Select Committee composed of the Honorable Mr. Boulton, the Honorable Mr. Cameron, of Kent, the Honorable Mr. Robinson, Mr. Solicitor General Drummond, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

*Ordered, That it be an Instruction to the said Committee, to consolidate the said Bills, if desirable, and extend their operations to the whole Province, if they shall think fit to do so.*

Laws of  
Patents Bill.

*The Order of the day for the second reading of the Bill to consolidate and amend the Laws of Patents for Inventions in this Province, being read;*<sup>33</sup>

MR. BADGLEY, seconded by COL. GUGY, moved, that a Bill to amend the Law of Patents for inventions be read a second time.<sup>34</sup>

MR. CARTIER objected to the principle of the Bill.<sup>35</sup>

MR. BADGLEY wanted to have the Bill referred to a Special Committee, to be composed of Messrs. Wetenhall, Watts, Cartier, and the mover.<sup>36</sup>

MR. CARTIER said, that if he understood the customs of the House, if he allowed the Bill to go to Committee, he was understood to approve of it.--(No, no.) There was a Bill of Geo. IV., to the effect that if a man had a Patent in another country, he would not be allowed to keep it in his, and he approved of that. A man had invented a machine for cutting stones by steam at Washington, and which could be made here, and would be very useful at Quebec, where stone is prepared for building with much manual labor. If the Bill was passed he could get a Patent for it here, which he should not. Patents should be granted to discoverers who reside in the country, but not to others.<sup>37</sup>

MR. BADGLEY would allow that Patents should be enjoyed by those who resided in Europe, and he could not see why they should not be those in the States. That was only the second reading, and it did not pledge the House to it.<sup>38</sup> It could be afterwards altered if any part of it were disapproved of<sup>39</sup>. He moved that it be referred to a Special Committee (before named.) The Bill was for other purposes besides that named by the hon. gentleman, as giving power to assigners and heirs to take our Patents and other things at present necessary.<sup>40</sup>

MR. CAUCHON would like the Committee to be chosen by the House.<sup>41</sup>

MR. BADGLEY had no objections, but did not see that it was of any importance.<sup>42</sup>



MR. PAPINEAU would like to know if the Hon. member for Missisquoi intended to insist on that part of his Bill which granted Patents for discoveries made in the States.<sup>43</sup>

MR. BADGLEY would insist on nothing that the House would consider objectionable; and made a few other remarks, which we did not hear.<sup>44</sup>

MR. CARTIER objected to the Bill.<sup>45</sup>

MR. CHRISTIE thought that it would be unfair not to let the Bill go before a Special Committee.--If there were nothing in it the Government would so report.<sup>46</sup>

MESSRS. DEWITT and CHAUCHEAU ((also spoke.))<sup>47</sup>

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*The Bill was accordingly read a second time; and referred to a Select Committee composed of the Honorable Mr. Badgley, the Honorable Mr. Robinson, Mr. Wetenhall, Mr. Cartier, and Mr. Watts, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

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*Orders of the day.* Sir Allan N. MacNab moved, seconded by Mr. Malloch, and the Question being put, That the remaining Orders of the day be postponed until to-morrow;<sup>48</sup>

SIR A. MACNAB moved the adjournment of the House, it being then half-past ten o'clock. They would probably have a late debate to-morrow.<sup>49</sup>

MR. CAUCHON strongly opposed an adjournment at so early an hour, when there were 97 motions on the Orders of the day, the business of the country must not be impeded or brought to a standstill to suit the conveniences of the gentlemen opposite.<sup>50</sup>

MR. AT. GEN. BALDWIN thought they might as well advance a stage or two, some of those measures which would not require much discussion.<sup>51</sup>

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*the House divided:--And it passed in the Negative.*

Real Property Conveyances Bill.

*The Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common socage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, being read;*

Ordered, That the Bill be read a second time to-morrow.

Warehousemen's Punishment Bill.

*The Order of the day for the second reading of the Bill for the punishment of Warehousemen and others giving false receipts for Merchandise, and of persons receiving advances upon Goods, and afterwards fraudulently disposing of the same, being read;*<sup>52</sup>

MR. HOLMES moved for the second reading of the Bill for the punishment of Warehousemen in certain cases. It was loudly called for from all sections of the Province, as frauds are committed to a great extent every year, by the parties to whom goods are consigned, for the purpose of warehousing, and who obtain advances of money on the property thus placed in their possession. It had frequently occurred that parties holding wheat as Warehousemen, after getting advances of money, had ground up the wheat, and disposed of it under the impression that they would be able to replace the wheat, at the time they were bound to deliver it; by this means alone large frauds had been committed.<sup>53</sup> They were in the habit of issuing duplicates of receipts to the miller.<sup>54</sup> A law of a similar nature had been passed in the neighboring States, and had been found very efficient for that purpose, and he hoped there would be no objection on the part of the hon. members to allow the Bill to be read a second time, and referred to a Committee of the Whole.<sup>55</sup>

SIR A. MACNAB thought that it might be a good Bill, but that it should have emanated from a Committee of the whole House, and that if anything had been omitted, the proceedings should be gone over again, as it was a matter connected with trade.<sup>56</sup>

MR. AT. GEN. BALDWIN said, that it did not relate to trade in that manner, any more than it related to criminals.<sup>57</sup>

MR. CHRISTIE said, that before he voted for the Bill, he should like to hear the opinions of some of the members of the Bar. He did not know if there was need for such a measure, and whether the common law did not provide all that was necessary.<sup>58</sup>

MR. BADGLEY said, that in England it had been found necessary to introduce an Act of that kind--that here there was only the common law, which did not meet that kind of offence, and thought that, with some amendments, the Bill might be useful.<sup>59</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.*

Law of Evidence  
Bill.

*The Order of the day for the second reading of the Bill to improve the Law of Evidence and to abolish unnecessary Oaths, being read;*

*The Honorable Mr. Badgley moved, seconded by Mr. Gagy, and the Question being proposed, That the Bill be now read a second time.*<sup>60</sup>

MR. CAUCHON opposed the motion.<sup>61</sup>

MR. SOL. GEN. DRUMMOND ((said)) a few words.<sup>62</sup>

MR. CHAUVEAU opposed the Bill. He objected to any change in the law of evidence, and he thought that they should not permit it to be read a second time.<sup>63</sup>

MR. CARTIER also opposed the Bill.<sup>64</sup>

MR. SOL. GEN. DRUMMOND again addressed a few observations in favour of the second reading of the Bill.<sup>65</sup>

MR. CHABOT also spoke against the second reading, and moved an amendment<sup>66</sup>.

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*Mr. Chabot moved in amendment to the Question, seconded by Mr. Chauveau, That the word "now" be left out, and the words "this day six months" added at the end thereof.*

MR. BADGLEY admitted that there were some things in the bill which might require to be expunged in Committee, but thought it would be unjust and unfair to throw it out.<sup>67</sup>

MR. SOL. GEN. BLAKE expressed his opinion that although there were enactments in the bill which he did not think should pass into a law, yet there were some points which met his concurrence.<sup>68</sup>

MR. SOL. GEN. DRUMMOND could not comprehend how he could be misunderstood. The Government had consented to the bill going to a special Committee, where it would be made subordinate to one which the Government intended to introduce.<sup>69</sup>

MR. CHAUVEAU thought the motion for the second reading the time when the principle of a bill should be discussed. The bill was opposed by so many members from different parts of the country, that he did not think he was right in refusing his sanction to confirm the principles contained in the bill. To make legislation general and not partial, the government ought to bring in some measure on the subject, if the law of evidence was to be altered.<sup>70</sup>

MR. CAUCHON would still oppose the second reading, and suggested that the subject be left with the government.<sup>71</sup>

MR. BADGLEY was willing to leave it in the hands of the government; all he wished was that the bill should be advanced a stage.<sup>72</sup>

((There were)) some further remarks from MR. CARTIER<sup>73</sup>.

(106)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Attorney General Baldwin, Beaubien, Solicitor General Blake, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Solicitor General Drummond, Fortier, Fournier, Guillet, Johnson, Lemieux, Méthot, Morrison, Papineau, Polette, Price, Taché, and Viger.--(22.)

NAYS.

Messieurs Badgley, Cayley, Christie, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, and M'Connell.--(8.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day six months.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Viger,

The House adjourned.



APPENDIX: 26 FEBRUARY 1849.

((QUESTION AND ANSWER RE: MAIN EASTERN TOWNSHIPS ROAD.))<sup>74</sup>

MR. MCCONNELL ((put)) a question.<sup>75</sup>

MR. ASST. COM. P. W. CAMERON said, that there would probably be no funds left, after the present contracts were finished, to complete the Main Eastern Townships Road, from Baruston Corner to the Province Line, during the ensuing summer.<sup>76</sup>

((QUESTION AND ANSWER RE: HAMILTON TO PORT DOVER.))<sup>77</sup>

MR. THOMPSON ((asked)) whether the road between Hamilton and Port Dover was to be repaired and maintained.<sup>78</sup>

MR. ASST. COM. P. W. CAMERON said that Mr. Killaly was engaged in making the necessary arrangements for putting the road in a proper state.<sup>79</sup>

((QUESTION AND ANSWER RE: BYTOWN AND PRESCOTT ROAD.))

MR. BURRITT ((inquired)) as to whether the sum of £1000, granted to improve the Bytown and Prescott Road, would be expended during the present year<sup>80</sup>.

MR. ASST. COM. P. W. CAMERON stated that, although he found that such a grant was promised, no provision had been made for it, and there was no prospect of anything being done to it at present.<sup>81</sup>

((QUESTION AND ANSWER RE: PETITION OF GEORGE CHAPERON FOR COMPENSATION.))

DR. LATERRIERE ((asked)) whether it was intended to take into consideration the petition of George Chaperon, Esq., of St. Paul's Bay, County of Saguenay, presented to this House at the commencement of this Session, and to indemnify him for the losses which he suffered in his quality of Commissioner in tracing and operating the Chemins des Caps in 1847<sup>82</sup>.

MR. ASST. COM. P. W. CAMERON answered, that there was nothing to substantiate that there was anything due to him.<sup>83</sup>

((QUESTION AND ANSWER RE: ROAD FROM BYTOWN TO PEMBROKE.))<sup>84</sup>

MR. BELL ((asked)) whether the road was to be completed from Bytown to Pembroke for which a sum of money was granted in 1845? If so, when? If not, why not?<sup>85</sup>

MR. ASST. COM. P. W. CAMERON stated that an appropriation had been made to complete the road from Bytown to Pembroke, but it was in the same position as many others, the money could not be expended at present, as there were no funds in the hands of the Department.<sup>86</sup>

((QUESTION AND ANSWER RE: COMPENSATION FOR DAMAGE DONE BY CORNWALL CANAL.))<sup>87</sup>

MR. MCLEAN inquired of Ministers when the awards made by the arbitrators against the Government, and in favor of the claimants resident in Milliveaches and its neighborhood, for injury done to their property by the construction of the Cornwall Canal, would be paid?<sup>88</sup>

MR. ASST. COM. P. W. CAMERON replied that the awards had been received by the Board of Works, and a copy transmitted to the Attorney General's Department, and, on receiving his report, the subject would receive the attention of the Board.<sup>89</sup>

((WITHDRAWN MOTION RE: ADDRESS CONCERNING JUDGE C. ARMSTRONG OF DALHOUSIE COURT.))<sup>90</sup>

MR. LYON moved an address to His Excellency for copies of complaints made against C. Armstrong, Esq., Judge of Dalhousie District Court.<sup>91</sup>

MR. AT. GEN. BALDWIN explained that the papers asked for were not within his reach, nor could they be found<sup>92</sup>. ((They)) had been abstracted from the office of the Secretary, and advised that the motion be withdrawn, and new complaints instituted. He could not pledge himself as to what course the Government would take; but would decide when the papers were before him.<sup>93</sup>

MR. LYON said the papers contained charges of a serious nature, and if they had been abstracted from the office, he would like to know whether any of the clerks employed therein had been guilty of such abstraction, for the purpose of screening the Judge. He would however, have no objection to withdraw his motion, and leave the matter with the Government.<sup>94</sup>

MR. MALLOCH said, that the character of Judge Armstrong stood high in that District, and objected to the motion, as it might bring up some facts prejudicial--(as we understood him to say)--to Captain Lyon.<sup>95</sup> The charges likely to be brought against Judge Armstrong, would like his (Mr. M.'s) contested election, evaporate in smoke.<sup>96</sup>

MR. BOULTON said, that if the Judge had done anything that was corrupt, that as he was an Inferior Judge, the proper method was to indict him before the Court of Queen's Bench. He held that it was irregular for the House to entertain that custom, and that it was not the proper tribunal.<sup>97</sup>

After a few words from MR. LYON, and MR. AT. GEN. BALDWIN, the motion was withdrawn.<sup>98</sup>

((WITHDRAWN MOTION RE: SECOND READING OF ELECTION BILL.))<sup>99</sup>

MR. AT. GEN. BALDWIN proposed the second reading of the Bill which stood next on the Orders.<sup>100</sup>

Hear, hear, from COL. GUGY.<sup>101</sup>

MR. AT. GEN. BALDWIN.--He would not, however, proceed with it, contrary to the wishes of the opposition. Had he the entire concurrence of the hon. and gallant Knight from Hamilton?<sup>102</sup>



SIR A. MACNAB had no particular objection to the measure being advanced a stage, but he could not pretend to speak for the hon. members around him.<sup>103</sup>

COL. GUGY when he said "hear, hear," to the proposition of the hon. Attorney General (West) had thought there would be no objection to it on the part of those by whom he was surrounded; he found, however, they had not made up their minds on some portions of the bill, and would prefer it should not be pressed.<sup>104</sup>

MR. AT. GEN. BALDWIN had no wish to press his motion contrary to the wishes of the hon. gentlemen opposite.

The motion was then withdrawn.<sup>105</sup>

FOOTNOTES: 26 FEBRUARY 1849.

1. LA MINERVE, 1 March 1849.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 28 February 1849.
12. The debate on this matter was reported by: MONTREAL GAZETTE, 28 February 1849; and PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts.
13. PILOT, 28 February 1849.
14. MONTREAL GAZETTE, 28 February 1849.
15. PILOT, 28 February 1849.
16. MONTREAL GAZETTE, 28 February 1849.
17. PILOT, 28 February 1849.
18. MONTREAL GAZETTE, 28 February 1849.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. PILOT, 28 February 1849.
27. IBID.
28. MONTREAL GAZETTE, 28 February 1849.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. The debate on this matter was reported by: LA MINERVE, 1 March 1849; MONTREAL GAZETTE, 28 February 1849, and STANSTEAD JOURNAL, 8 March 1849, in identical accounts; PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1848, in identical accounts.
34. MONTREAL GAZETTE, 28 February 1849.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. PILOT, 28 February 1849.
40. MONTREAL GAZETTE, 28 February 1849.
41. IBID.
42. IBID.
43. IBID.

44. IBID.
45. IBID.
46. IBID.
47. PILOT, 28 February 1849.
48. The debate on this matter was reported by: PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts.
49. PILOT, 28 February 1849.
50. IBID.
51. IBID.
52. The debate on this matter was reported by: MONTREAL GAZETTE, 28 February 1849; PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts.
53. PILOT, 28 February 1849.
54. MONTREAL GAZETTE, 28 February 1849.
55. PILOT, 28 February 1849.
56. MONTREAL GAZETTE, 28 February 1849.
57. IBID.
58. IBID.
59. IBID.
60. The debate on this matter was reported by: LA MINERVE, 1 March 1849; MONTREAL GAZETTE, 28 February 1849; PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, and GLOBE, 7 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
61. HAMILTON SPECTATOR, 7 March 1849.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. The debate on this matter was reported by: MONTREAL GAZETTE, 28 February 1849, and STANSTEAD JOURNAL, 8 March 1849, in identical accounts.
75. MONTREAL GAZETTE, 28 February 1849.
76. IBID.
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78. HAMILTON SPECTATOR, 7 March 1849.
79. IBID.



80. MONTREAL GAZETTE, 28 February 1849.
81. IBID.
82. IBID.
83. IBID.
84. The debate on this matter was reported by: MONTREAL GAZETTE, 28 February 1849; PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
85. MONTREAL GAZETTE, 28 February 1849.
86. HAMILTON SPECTATOR, 7 March 1849.
87. The debate on this matter was reported by: PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
88. HAMILTON SPECTATOR, 7 March 1849.
89. IBID.
90. The debate on this matter was reported by: MONTREAL GAZETTE, 28 February 1849; PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts. The HAMILTON SPECTATOR, will be reproduced instead of the difficult to read PILOT.
91. HAMILTON SPECTATOR, 7 March 1849.
92. IBID.
93. MONTREAL GAZETTE, 28 February 1849.
94. HAMILTON SPECTATOR, 7 March 1849.
95. MONTREAL GAZETTE, 28 February 1849.
96. HAMILTON SPECTATOR, 7 March 1849.
97. MONTREAL GAZETTE, 28 February 1849.
98. HAMILTON SPECTATOR, 7 March 1849
99. The debate on this matter was reported by: PILOT, 28 February 1849, GLOBE, 7 March 1849, HAMILTON SPECTATOR, 7 March 1849, BRITISH WHIG, 3 March 1849, and BROCKVILLE RECORDER, 8 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
100. HAMILTON SPECTATOR, 7 March 1849.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.

TUESDAY, 27 FEBRUARY 1849.

(106)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Armstrong,--The Petition of John Jefferies, Esquire, and others, of Rawdon and other Townships, in the Counties of Leinster and Berthier.

By the Honorable Mr. Price,--The Petition of Alexander Graham, of the Township of Thora; the Petition of Walter O'Hara, of Toronto, Esquire, late Assistant Adjutant General of Militia.

By Mr. Nelson,--The Petition of J. E. LeBlanc, Esquire, and others, of St. Charles and other Parishes.

By Mr. Meyers,--The Petition of James G. Rogers and others, of Haldimand, Seymour, and Percy.

By Mr. Fergusson,--The Petition of R. J. Williams, late Deputy Returning Officer for the Township of Sullivan at the Election for the County of Waterloo.

By Mr. Chauveau,--The Petition of John M'Golrick and others.

By Mr. Notman,--The Petition of the President and Directors of the Desjardins Canal Company.

By Mr. Solicitor General Drummond,--The Petition of François Dupin and others, of the Parish of St. François du Lac; and the Petition of the Reverend George Slack and others, of the County of Shefford.

By Mr. Holmes,--The Petition of the Saint Lawrence and Atlantic Railroad Company (increased powers.)

By the Honorable Mr. Boulton,--The Petition of John Hammill, of the Town of Brantford, District of Gore.

By Mr. Cartier,--The Petition of Pierre Noël and others, of that part of the Parish of Contrecoeur called La Grande Source.

By Mr. Prince,--The Petition of Josiah Timmis, of Montreal; and the Petition of David Wylie and others, Reporters engaged on the Montreal Press.

By the Honorable Mr. Papineau,--The Petition of François Desaulnier, Esquire, and others, of the County of St. Maurice.

By Mr. Burritt,--The Petition of John G. Booth and others.

Cobourg Harbour.

The Honorable Mr. Cameron, of Kent, one of Her Majesty's Executive Council, presented, pursuant to Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 15th instant, praying that His Excellency would be pleased to cause to be laid before them, copies of all Contracts entered into by the Board of Works for completing any work connected with improving the Cobourg Harbour, and the amount of monies paid thereon, with a detailed account thereof and of all other monies paid to the Contractors in respect of the improvement of the said Harbour.

Appendix  
(A. A. A.)

For the said Return, see Appendix (A. A. A.)

William Ireland.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 15th instant, praying that His Excellency would be pleased to cause to be laid before them, a copy of all correspondence

connected with the dismissal of William Ireland, Esquire, from his situation on the Kingston and Napanee Macadamized Road, or connected with the abolition of the said situation.

By Command,

J. LESLIE,  
Secretary.

Provincial Secretary's Office,  
Montreal, 27th February 1849.  
(Copy.)

No. 4,264.

Public Works,  
30th September, 1848.

Sir,--The present state of the finances of the Province rendering a general reduction of the establishments on all the Public Works necessary, I am directed to inform you that your services will not be required by this Department after the 31st October next.

In making this communication, I am directed to state, that the Commissioners are happy in being able to bear testimony to your good conduct

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and efficiency while in their employment, and they will be glad, should an opportunity be afforded them, to further your future views.

(Signed,) T. A. BEGLY,  
Secretary.

Mr. W. Ireland, Kingston.

Ordered, That the said Return be printed for the use of the Members of this House.

First Report of  
Committee on  
Printing.

The Honorable Mr. Hincks, from the Standing Committee on Printing, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee beg leave to inform Your Honorable House that, in accordance with the practice of former Sessions, they have advertized for and received Tenders for the classes of Printing, in the French and English languages, required during the present Session.

The Tender of Mr. Rollo Campbell for the English, and of Mr. Louis Perrault for the French, "Journals and Appendix," and of Messrs. Lovell & Gibson for the "Sessional," (they being the lowest,) have been accepted by Your Committee, subject to the sanction of Your Honorable House.

Your Committee also received Tenders for the Binding; and beg to recommend that of Mr. Lamothe for the French Journal and Appendix, and of Messrs. R. & A. Miller for the English.

For the efficient performance of the whole work, in strict accordance with the Tenders, Your Committee would recommend that written contracts be entered into by the several parties giving good and sufficient security for the fulfilment of the same.

Your Committee would beg leave to call the attention of Your Honorable House to the present form in which the Bills are printed, and recommend that in future the same should contain double the quantity of matter on the page, and that the type used should be small pica, thereby causing a very material saving of expense, both in press-work and paper. Your



Committee would also suggest that in future, no Bills be printed in both languages having reference exclusively to Upper Canada, but that such Bills be printed in English alone, with French marginal notes, unless otherwise ordered by a Resolution of Your Honorable House; under such an arrangement an important saving of expense will be effected, without interfering with the object for which Bills are printed.

Your Committee would further recommend, that the work done under the contract for "Sessional Printing," shall be such only as is executed and delivered during the Session; and any printing ordered during the Session, and not so delivered, shall form a portion of the work to be performed by the contractors for the Journals and Appendix. Your Committee are urged to make this recommendation from the facts, that the price paid for this printing is invariably higher than for any other class, and that heretofore, in accordance with the present practice, a great proportion of the printing has been done during the recess by the contractors for, and at the price of, Sessional printing.

Your Committee have had under their consideration the propriety of extending the present contract for the printing the Journals and Appendix during the present Parliament, and are of opinion that such an arrangement would cause an uniformity of work throughout this branch of the printing, which is very desirable, and would enable the contractors to provide a superior material for the execution of the same;--and as a still further inducement, they have agreed that a reduction may be made in the prices of their present Tenders. Your Committee, therefore, recommend that the contracts for printing be extended to the end of the present Parliament.

In conclusion, Your Committee are of opinion that the printing of the Journals should forthwith commence, and proceed with every possible despatch, in order that they may be completed, and in the hands of the Members immediately after the close of the Session.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be committed to a Committee of the whole House, for Monday next.

Eleventh Report  
of Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Montreal New City Gas Company, praying for amendment to their Act of incorporation, and they find that notice has been published in the Canada Gazette, but none had been affixed to the church door of the Parish; Your Committee are not, however, of opinion that this Petition is such as to require a notice under the 66th Rule.

Your Committee find that the requisite notices have been given upon the Petitions of Frederick C. Capreol, and of Andrew Geddes and others.

The Petition of J. Bedard and others; of George O'Kill Stuart and others; of George D. Watson and others; of John G. Mackenzie, Esquire; and of Robert Cairns, are not of such a nature, in the opinion of Your Committee, as to require notice.

Stormont  
Election.

The Honorable Mr. Boulton, from the Select Committee appointed to try the merits of the Petition of D. AE. Macdonnell, Esquire, candidate at the late Election of a Member for the County of Stormont and others, Electors of the said County, complaining of the undue Election and Return of Alexander M'Lean, Esquire, to represent the said County in the present Parliament, presented to the House the final Report of the said Committee; which was read, as followeth:--

Resolved, That, in the opinion of this Committee, eight clear days notice of the time and place of holding an Election are required by the Provincial Statute 6 Vic. c. 1.

Resolved, That such notice was not given for the holding of the Election of a Member to represent the County of Stormont in the present Parliament.

Resolved, That this Committee have no reason to believe that the result of the said Election was affected by such irregularity.

Resolved, That Alexander M'Lean, Esquire, sitting Member for the County of Stormont, is duly elected for the said County during the present Parliament.

Resolved, That the Petition of Donald AEneas Macdonell and others, against the Return of the said Alexander M'Lean, is not frivolous or vexatious.

Resolved, That the defence of the sitting Members is not frivolous or vexatious.

Resolved, That, in the opinion of this Committee, the conduct of the Returning Officer at the said Election, in giving the notice thereof, was not in accordance with the Act 6 Vic. c. 1.

Message from  
His Excellency. The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

(108)

ELGIN AND KINDCARDINE.

Post Office. The Governor General transmits for the information of the Legislative Assembly, Copies of a correspondence on the subject of the establishment of a General Post Office system in the British Provinces in North America.  
Government House,

Montreal, 27th February, 1847.

Schedule.

1. The Earl of Elgin to Earl Grey, 29th October, 1847.--Transmitting the draught of a Report by the Commissioners from the Several Provinces, on the Post Office.
2. Ditto, 19th November, 1847.--Transmitting the Report as finally signed by the Commissioners, and a Communication from the Government of

New Brunswick.

3. Earl Grey to the Earl of Elgin, 6th April, 1848.--Decision of Her Majesty's Government, with letter from Treasury.
  4. The Earl of Elgin to Earl Grey, 14th June, 1848.--With copy of a Report made by the Executive Council after communication with Members of the Government of Nova Scotia.
  5. The Earl of Elgin to Sir E. Head, 1st November, 1848.--Requesting to be informed of the views of the Government of New Brunswick.
  6. Earl Grey to Earl of Elgin, 15th December, 1848.--Stating that an Act will be introduced into the Imperial Parliament for transferring to Colonial Authorities the management of the Post Office in British North America.
  7. Sir Edmund Head to the Earl of Elgin, 7th November, 1848.--Reporting the concurrence of the Government of New Brunswick.
- For the Documents accompanying the said Message, see Appendix (B.B.B.)

Ordered, That five hundred copies of the said Message, and the accompanying Documents, be printed in each of the English and French languages, for the use of the Members of this House.

Toronto, Simcoe, and Lake Huron Union Railroad Company Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to incorporate Frederick C. Capreol, Robert Easton Burns and others, under the style of the Toronto, Simcoe and Lake Huron Union Railroad Company, to enable them to construct a Railroad from Toronto to Lake Huron.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourteenth day of March next.

Crown Timber Office, Bytown.

Ordered, That the Return to the Address of this House to His Excellency the Governor General, laid before the House on the twenty-second

instant, relating to the Crown Timber Office at Bytown, be printed for the use of the Members of this House.

On motion of Mr. Prince, seconded by Mr. Christie,

Orders of the day.

Ordered, That the Orders of the day which were fixed for Wednesday last, (Ash-Wednesday,) and lost by the adjournment of the House of

Tuesday last, be revived, and that they stand as Orders of the day for to-morrow.

Common Schools.

The Honorable Mr. Price moved seconded by the Honorable Mr. Merritt, That this House do now resolve itself into a Committee on the subject of making an appropriation for Common School purposes.

The Honorable Mr. Price, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House do now resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.



*Mr. Dumas took the Chair of the Committee;*<sup>1</sup>

MR. COM. CR. LANDS PRICE briefly stated the object of the Resolution he intended to submit to the House.--There is at present a sum of £50,000 granted annually for Common School purposes from the Provincial revenue. By the Resolution, it was intended<sup>2</sup> to set apart a sufficient extent of wild lands to produce £100,000 per annum. The lands thus set apart to a specific fund would not only be preserved for that most useful purpose, but would, according to all experience, sell for a much higher price than if sold by the Crown Lands Department. Thus the Clergy Reserve lands produced much more than other Crown lands, because the parties who purchased obtained credit, and could pay much more than otherwise. The hon. gentleman concluded by moving that it is expedient to raise a yearly sum of £100,000 on wild lands, for the support of Common Schools.<sup>3</sup>

MR. ROBINSON expressed his satisfaction at the measure.<sup>4</sup>

COL. PRINCE must express his entire approbation of the measure before them; it was a measure for which the Ministers deserved the thanks of the country. He trusted that some provisions would be made in any school Act which might be introduced by the Ministry for the education of the coloured people. In his District there was a great disinclination on the part of the white people to allow their children to mix with those of coloured people, and the teachers, therefore, were unwilling to receive any coloured children, and the consequence was, that the children of the people of color were left destitute of education. He saw no difficulty in provision being made for the payment of a sum of money to teachers, in two or three townships, provided that the teachers taught so many people of the same class he had just mentioned. He thought that it would only be right that the coloured population, whom he thought it was their duty and interest to protect, should enjoy the same rights and privileges as the other classes of the community.<sup>5</sup>

MR. SHERWOOD rose to express his entire concurrence in the principle of the measure proposed.<sup>6</sup>

MR. WILSON would give it his hearty support, he thought it a measure for which the Administration were entitled to the thanks of the country.<sup>7</sup>

MR. CAYLEY rose to obtain some information from the member introducing the measure. It was proposed to raise the amount appropriated from £50,000 to £100,000, the hon. member said; but when was this increased grant to commence?<sup>8</sup>

MR. COM. CR. LANDS PRICE stated that it was not the intention of the Government to propose any change in the present grant of £50,000 per annum, till the new fund derived from the land produced more than that sum. It was proposed to set apart one million of acres specifically for the purpose, and to invest the whole of the proceeds of the Crown lands for the same purpose.<sup>9</sup>

MR. CAYLEY.--Then they were to understand, that, until there was an accumulation of a million, or twelve hundred thousand pounds from the sale of the lands, that the measure would not come into force. Had any calculation been made as to when it would come into force?<sup>10</sup>

MR. COM. CR. LANDS PRICE said that when the Bill came for a second reading, then the measure would be fully explained.<sup>11</sup>

SIR A. MACNAB.--It had been said that the present grant of £50,000 was to be continued, and that the proceeds of the public lands sold were to be invested, and the interest of it applied to school purposes; it was also intended to vote one million of acres of the public lands, and when they sold a sufficient quantity of them to yield £100,000 per annum, it was intended to apply it for school purposes. It appeared to him that it would be a very long time, indeed, before they would be able to carry out that idea.<sup>12</sup>

MESSRS. AT. GEN. BALDWIN, PRES. EX. COUN. MERRITT, SHERWOOD, and J. SMITH, of Durham, ((made)) a few remarks.<sup>13</sup>

MR. INSP. GEN. HINCKS said that the measure would afford some benefit within a reasonable time; it was true that it would be a long time before that a £100,000 might be realized, but when as soon as a revenue of £5,000 or £10,000 was created, it would be applied towards the grant of £50,000 now made for the consolidated fund, or it might go towards increasing that grant, if it was found desirable.<sup>14</sup>

MR. H. BOULTON thought the project deserved every commendation. He would take leave to make a suggestion which he thought would prove very advantageous if carried out, he thought that in every Township there should be appropriated out of the lands, a piece of two or three hundred acres for the support of the Municipal School and upon which the Teacher might reside. If this was carried out, a system of education might easily be adopted, relative to agriculture, which would be much easier and more economically carried out, than it could be by any system now in use.--The management of the public lands had been conducted on every system, and had always proved to be very expensive and troublesome, and he thought that it would be better if an upset price was put upon the lands, any persons then could go on and take possession, and pay the price without much of the trouble, expence, and delay which was experienced at present in purchasing public lands.<sup>15</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Dumas reported, That the Committee had come to a Resolution.*

*Ordered, That the Report be received to-morrow.*

Surveys (U. C.)  
Bill.

*Ordered, That the Honorable Mr. Sherwood have leave*  
*leave to bring in a Bill to amend the Act of*  
*the Parliament of Canada, intituled, "An Act to*

*amend the Law relating to Surveys in that part of this Province formerly*  
*Upper Canada."*

*He accordingly presented the said Bill to the House, and the same*  
*was received and read for the first time; and ordered to be read a second*  
*time, on Monday, the twelfth day of March next.*

Medical Profes-  
sion (U. C.)  
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to incorporate the Members of the Medical Profession in Upper Canada, and to regulate the study and practise of Physic

and Surgery therein.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Small Debts  
(U. C.) Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to consolidate and reduce into one Act the several Laws now in force

regulating the system and practice of certain Courts in Upper Canada established for the recovery of Small Debts, and to make other provisions therefor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth day of March next.

Rebellion  
Losses.

Mr. Smith, of Frontenac, from the Committee to take into consideration the necessity of establishing the amount of Losses incurred by certain inhabitants in Lower Canada during the Political Troubles of 1837 and 1838, and of providing for the payment thereof, reported several Resolutions; which were read, as follow:--

1. Resolved, That on the 28th day of February, 1845, an humble Address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right Honorable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying "that His Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this Province formerly Lower Canada, indemnity for just Losses by them sustained during the Rebellion of 1837 and 1838."
2. Resolved, That on the 24th day of November, 1845, a commission of five persons was, by His Excellency the said Governor General, duly appointed to inquire into such Losses arising from and growing out of the said Rebellion.
3. Resolved, That it appears by the Report of the said Commissioners, dated the 18th day of April, 1846, "That the want of power to proceed to a strict and regular investigation of the Losses in question, left the Commissioners no other resource than to trust to the allegation of the claimants, as to the amount and nature of their losses."

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4. Resolved, That on the 27th February, 1846, a letter was addressed to the said Commissioners by the Honorable the Secretary of this Province, by order of the Right Honorable Charles Murray, Earl Cathcart, the then Administrator of the Government of the same, stating "That the object of the Executive Government in appointing the said Commission was merely to obtain a general estimate of



the Rebellion Losses, the particulars of which should form the subject of more minute inquiry thereafter, under Legislative authority."

5. Resolved, That in order to redeem the pledge given to the sufferers of such Losses, or their bonâ fide creditors, assigners or ayant droit, as well by the said Address of the said Legislative Assembly, and the appointment of the said Commission, as by the said letter so addressed by the Honorable the said Provincial Secretary, it is necessary and just that the particulars of such Losses not yet paid and satisfied should form the subject of more minute inquiry under Legislative authority; and that the said Losses, so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, property and effects of the said inhabitants, and by the seizure, taking or carrying away of their property and effects, should be paid and satisfied: Provided that none of the persons who have been convicted of High Treason alleged to have been committed in that part of this Province formerly Lower Canada, since the 1st day of November, 1837, or who, having been charged with High Treason, or other Offences of a Treasonable nature, and having been committed to the custody of the Sheriff in the Gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for Losses sustained during or after the said Rebellion, or in consequence thereof.
6. Resolved, That there should be issued such purpose, Debentures to the amount of One hundred thousand pounds currency, payable out of the Consolidated Revenue Fund of this Province, at or within twenty years after the date thereof, respectively, and bearing interest at the rate of six per cent, payable out of the said Fund, on such day in each year as shall be therein specified.
7. Resolved, That the holder of any Debenture issued under the authority of the Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to provide for the payment of certain Rebellion Losses in Lower Canada, and to appropriate the proceeds of the Marriage Licence Fund," should be entitled on any day on which the interest on such Debenture is payable, to have the same exchanged for a Debenture for a like amount to be issued under any Act to be passed for carrying into effect the above Resolutions, and that the interest then payable on such Debenture should at the same time be paid out of the said Consolidated Revenue Fund; and that the proceeds of so much of that portion of the Marriage Licence Fund, arising in Lower Canada, as shall not be required to pay off the principle and interest of any unexchanged Debenture, should form part of the said Consolidated Revenue Fund.

The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Question be now separately put upon each of the said Resolutions;

*Mr. Chauveau moved in amendment to the Question, seconded by Mr. Laurin, That all words after "That" to the end of the question be left out, and the words "the said Resolutions be recommitted to a Committee of the whole House, with a view of leaving out the Proviso contained in the 5th Resolution," added instead thereof.*<sup>16</sup>

M. CHAUVEAU.--C'est avec peine que je me trouve dans la nécessité de me mettre aujourd'hui en opposition avec l'administration. Je crois de mon devoir de proposer à la cinquième résolution devant la Chambre l'amendement que je viens de lire. Je serai aussi court que possible dans ce que j'aurai à dire l'appui de cette motion. Je ne ferai que répéter en français ce que j'ai dit que quand à la question principale, il n'y avait pas dans mon opinion et il ne pouvait y avoir de doute au moins sérieux et de bonne foi sur la mesure introduite par l'hon. procureur-général. Le nécessité d'une pareille indemnité découle en conscience du fait seul que les mêmes pertes ont été payées dans le Haut-Canada. Quant à la question de savoir comment payer ces pertes, je dis encore que puisque ces pertes ont été payées, dans le Haut-Canada, à même le fonds consolidé, elles doivent être ici payées à même ce fonds. C'est en vain que l'on a prétendu que l'indemnité ayant été payée dans le Haut-Canada à même les revenus des licences d'auberges elle n'avait pas été payée avec l'argent du fonds consolidé; tout le monde comprend que si ces revenus des licences d'auberges n'eussent pas été abandonnés aux municipalités du Haut-Canada, ils seraient tombés dans le fonds général. Il faut donc payer les pertes du Bas-Canada à même le fonds consolidé.

Le question que vient ensuite est de savoir qui payer. Il y a à ce sujet deux systèmes différents. Le premier est de payer indistinctement toute personne dont les propriétés ou les biens ont pu être détruits ou enlevés illégalement, injustement, sans raison, comme sans motifs. Le second est de distinguer ceux qui sont restés loyaux, ou plutôt fidèles à leur allégeance.--Le mot loyal est si dégradé que je préférerai cette expression fidèle à leur allégeance--de ceux qui n'y sont pas restés fidèles; puis de ne payer que les premiers. Ainsi dans le premier de ces systèmes on paye indifféremment tous ceux qui ont souffert quelques pertes par suite d'un acte injuste, illégal. Dans le second cas, il faut avoir recours à une classification injuste, impossible. Il faudrait rechercher qui a pris quelque part dans les troubles et qui ne l'a pas fait, pour exclure les premiers de l'indemnité. Or, c'est là une chose qui ne convient pas aujourd'hui qu'une amnistie générale a été accordée. Rechercher après une pareille amnistie qui a été loyal et qui ne l'a pas été, pour récompenser les uns et punir les autres, est un acte tout à fait impolitique.

On l'a dit avec raison, il faudrait pour cela scruter les consciences; il faudrait une espèce d'inquisition, une espèce de Chambre étoilée pour décourvrir et prouver qui aurait été coupable ou non coupable. On a dit encore avec raison que ce moyen de rechercher les loyaux et les rebelles était impracticable. Je le mets donc de côté non seulement comme impracticable, mais encore comme fondé sur des distinctions politiques qui ne doivent pas exister; sur des actes reconnus comme arbitraires et illégaux.

Je crois que le mot juste que l'on a inséré dans les résolutions renferme tout ce que l'on peut justement désirer faire de restrictions. Il couvre la restriction de toute propriété détruite dans l'acte actuel

d'arrêter ou de soumettre les insurgés. Quant à ceux dont les propriétés ont pu être détruites sans nécessité, et seulement par vengeance, par ressentiment ou par haine, il n'est que juste qu'on ait pensé à les indemniser. On ne pouvait pas même, au nom de la Reine, détruire sans raisons des propriétés composant le fonds sociale (sic) du pays et comme telles appartenant à la masse des citoyens auxquels on nuisait, par ces actes arbitraires. On doit comprendre par le mot justes pertes, toutes celles souffertes ainsi sans nécessité, par qui que ce soit.

Ces mots, s'ils ne renferment pas les actes de l'espèce de ceux que j'ai d'abord mentionnés, doivent nécessairement renfermer ceux de la seconde espèce. Autrement je ne vois que confusion. L'hon. membre pour Norfolk a établi des catégories (sic) différentes. La première est celle des personnes qui ont été condamnées par la cour martiale qu'il veut exclure de l'indemnité. Eh! bien, je crois qu'il existe quant à la cour martiale, des raisons suffisantes, plus que suffisantes pour regarder ces jugements comme illégaux.

Ils donnent des raisons tellement convaincantes pour prouver l'illégalité de ces cours maritales; quoique nos tribunaux n'aient pas voulu condamner leur sentence, il ne peut néanmoins y avoir dans l'opinion d'aucun avocat de doute par rapport à ce fait.

Cette cour martiale siégeait en vertu d'une ordonnance du conseil spécial de sir John Colborne qui n'avait aucun pouvoir d'établir cette cour, qu'en autant que l'ordonnance que constituait ce conseil spécial était elle-même valable, au moment où ces cours étaient établies.

Le conseil spécial n'avait pas le pouvoir de suspendre la loi qui formait la garantie de la jouissance des libertés de sujets de la Grande Bretagne dans cette province; loi qui faisait partie du droit anglais en force dans ce pays. Ce conseil spécial, constitué en vertu d'une proclamation de Lord Durham, avait été dissout sans avoir été reconstitué. La cour martiale était donc une cour qui n'avait aucune existence légale. Une autre raison que j'ai pour considérer ces cours martiales comme illégales, c'est que l'ordonnance en vertu de laquelle le conseil spécial siégeait était ainsi. Cette cour martiale agissait premièrement en vertu d'une loi passée par une cour qui n'avait pas le droit de la passer; secondement en vertu d'une loi passée par une cour qui n'avait pas d'existence légale; puis enfin en vertu d'une loi passée par une cour qui, ne siégeait pas, n'était pas en fonctions, dans l'acte de faire des lois.

Il me semble qu'il n'en faut pas davantage pour convaincre tout homme réfléchi de l'illégalité, de la nullité des sentences rendues par la cour martiale, mais dit-on, voulez-vous que cette Chambre s'érige en cour d'appel pour révoquer les jugemens d'une cour dont l'illégalité n'est pas encore constatée? Non; rien de semblable. On ne vous demande pas cela, mais on vous demande de ne pas confirmer, de ne pas approuver les actes arbitraires de cette cour martiales on vous demande de ne rien faire plutôt que de déclarer à la face du monde, par vos résolutions, que ces actes sont justes; on vous demande de ne pas dire à des hommes respectables, à vos compatriotes persécutés; on n'avait pas droit de vous condamner, on vous a injustement maltraité, tyrannisé, mais puisqu'on vous a condamné, il vous faut en subir les conséquences, vous n'avez pas droit à une indemnité à laquelle pourront avoir droit des hommes aussi



coupables que vous. Voilà ce que nous demandons. Lorsqu'un acte est nul, la conséquence qui en découle, le fait qui s'en suit doit l'être aussi? on ne peut pas dire à un homme vous avez été coupable, à moins que par le même fait on ne reconnaisse la légalité de la condamnation qui a été portée contre lui.

On nous dit: vous ne devez pas ériger cette Chambre en cour d'appel. A cela je répondrai, vous devez moins encore vous ériger en cour révision, pour confirmer des actes aussi arbitraires que ceux de nos cours martiales. Il ne s'agit pas pour nous de nous ériger en cour d'appel. La chose est déjà faite. Ces actes ont été depuis longtemps reconnus comme arbitraires. Quant aux personnes qui se sont avouées coupables, vous ne pouvez pas prendre leur aveu. Les sentences des cours martiales ont été condamnées en Angleterre. Et l'on ne doit pas supposer que ce soit à la légère et pour le simple plaisir de faire une farce, que la Chambre des Communes a déclaré ces actes illégaux. Elle l'a fait, après une discussion aussi longue, aussi solennelle qu'il puisse y en avoir dans la Chambre des Lords. Je n'ai pour le faire voir qu'à lire quelques extraits des débats du parlement impérial sur cette question, que j'ai déjà lus en anglais.

(Mr. Chauveau lit l'extrait suivant des débats dans la Chambre des lords en 1838.)

Lord Brougham.--"Je désire appeler l'attention de vos seigneuries sur une proclamation ou ordonnance que j'ai dans les papiers publics, et qui est de la plus grande importance pour le peuple du Canada. C'est une proclamation accordée par le comte Durham en conseil; laquelle proclamation, si le noble comte la met à exécution, le rendra coupable de rien moins que du crime de meurtre. Une violation si impudente de la loi, une si exécration violente de la loi, si elle existe, ne doit pas continuer à être tolérée une heure de plus. J'espère néanmoins qu'une telle proclamation n'a pas été réellement émise. Cependant les papiers américains ont établi le fait, et ont aussi donné les noms des hommes appelés à agir sous le conseil spécial. De même que dans le choix précédent, dans ce cas-ci encore aucun canadien n'a été nommé. Je vois que le secrétaire-militaire, l'aide-de-camp et le secrétaire-civil ont été inscrits; mais pas un seul canadien.--Ensuite le noble comte a émis une proclamation, établissant que certaines personnes se sont avouées coupables; et dès lors le gouverneur-général sans leur intenter de procès, sans leur faire subir un interrogatoire régulier, les a condamnés lui-même à la transportation à la Bermude, et déclaré qu'ils seraient mis à mort s'ils laissent le bien de leur banissement, et s'ils reviennent encore en Canada. Si ceci est mis à exécution, ce serait un meurtre honteux. Ni le gouverneur-général, ni personne autre, n'a le plus léger droit d'émettre aucune condamnation; et une condamnation si élevée encore bien moins, à moins que les parties ne soient précédemment mises en procès.

Maintenant il paraît que si ces individus reviennent du lieu de leur transportation, ils seront mis à mort. Or, maintenant, quelle est la marche juridique adoptée dans ce pays? C'est que lorsqu'un individu placé dans ces circonstances, revient dans le pays, (et ceci a lieu tous les jours,) il ne peut être immédiatement mis à mort sans procès. Ce n'est que lorsque la cour qui a juridiction légale l'a condamné à mort qu'il peut être exécuté. Par acte du Parlement, c'est une félonie capitale de revenir dans le pays, du lieu de transportation, alors qu'un homme a été régulièrement jugé, convaincu et condamné. Mais dans ce cas-ci dès

le moment où un homme s'est avoué coupable, il a été condamné à la transportation sans aucune forme ultérieure, et soumis au danger d'être mis à mort, s'il en revient.

Mais ce n'est pas tout; par cette proclamation M. Papineau et plusieurs autres, qui ne se sont jamais reconnu coupables, sont mis hors la loi et l'on déclare que, s'ils remettent le pied sur le sol du Canada, ils seront aussi mis à mort. Je ne puis concevoir rien de plus monstrueux que cette manière d'agir. Je pensais qu'il y avait assez de mal à offrir mille louis pour des témoins, mais ce n'est rien au prix d'une proclamation par laquelle le gouverneur se déclare résolu, arrive que pourra, à commettre un crime capital. La commission du gouverneur lui permet de faire en conseil des lois générales pour le pays qu'il administre, mais non à faire des lois exceptionnelles qui envoient des citoyens à l'échafaud. Cette manière de procéder est en tout, je le répète, en contradiction avec la loi juste et bien connue du pays.

Lord Ellenborough.--Je me lève pour demander une copie de la proclamation à laquelle mon noble et savant ami a fait allusion, aussi pour demander les noms des personnes qui doivent composer le conseil spécial et le jour que l'ordonnance ou la proclamation furent passés ou adoptés. Mon noble ami, la secrétaire des colonies, comprendra la nécessité pour moi de demander la date de cette proclamation, parceque je crois qu'avec cette date, je puis montrer que trois autres causes d'illégalité, ayant rapport à ces procédés, existent, outre celles que mon noble et savant ami nous a fait remarquer.

Avant que sir J. Colborne eut abandonné le conseil spécial, il sanctionna certains règlements pour le gouvernement des procédés de ce conseil. Un de ces règlements voulait que chaque réunion du conseil serait annoncée par proclamation vingt et un jours avant que l'assemblée eut lieu. Or, l'assemblée du conseil spécial où cette ordonnance a été passée fut convoquée le 28 de juin, et il rentra en fonction ce jour-là, ce qui était évidemment quant au temps, contre les règlements. Mais il y a plus; la quinzième résolution statuait que lorsque quelque loi nouvelle était introduite, tout membre pouvait exiger qu'elle fût lue une seconde fois à la première réunion suivante, et elle pouvait être lue alors, à moins qu'un jour plus éloigné ne fut fixé pour sa lecture.

Dans cette circonstance néanmoins, on s'écarta entièrement de la règle; et l'ordonnance fut lue une première, une seconde et une troisième fois, puis adoptée le même jour, le jour que j'ai déjà mentionné. Ceci était contraire à l'ordre établi; c'était au moins irrégulier, si non tout à faire illégal. J'en viens maintenant à ma dernière mais plus forte objection. Cinq personnes seulement, furent nommées au conseil spécial et il fut ordonné que cinq personnes devraient être présentes pour la passation d'aucun acte.

L'ordonnance en question fut discutée le 28 de juin; et je vois que l'un des membres du Conseil Spécial n'arriva à Québec que le 29 du même mois, le jour après que l'ordonnance eut été adoptée. Ainsi, il n'a pu se trouver que quatre membres au Conseil quand la décision eut lieu, ce qui rend toute la procédure illégale. Il n'y a rien, je dois le faire observer, qui demande une délibération plus soignée qu'il y a dans la nature de ceux auxquels l'ordonnance a trait; car il est nécessaire de tirer une ligne de démarcation entre des personnes qui au premier coup

d'oeil, peuvent être considérées aussi criminelles; et c'est quelque chose de curieux que de déclarer, sans délibération sérieuse, que les uns seront transportés, et les autres sur leur aveu seront mis en liberté. Ici, je vois que huit personnes doivent être transportées aux Bermudes et pendues, si elles osent revenir; et seize autres sont mises hors la loi, bannies de la colonie, et condamnées à la peine de mort, si elles retournent dans le pays. D'autres personnes, à ce qu'il paraît doivent sur caution, recevoir leur grâce. Ce sont là, je le répète, des choses qui demandent une profonde considération; vingt quatre cas de transportation et de bannissement, avec la peine de mort en cas de retour, ont été décidés en un seul jour. Des peines graves sont prononcées contre ces personnes, tandis qu'on accorde grâce à d'autres. Il est nécessaire que vos seigneuries, aient ces papiers devant-elles, afin que vous puissiez faire des investigations sur des procédés qui me paraissent être disgracieux pour ce gouvernement et de nature à faire détester les autorités dans ce pays.

Le duc de Wellington.--Je ne puis que concourir à dire avec le noble et savant lord que ces parties de ces ordonnances, qui ont été admises par le noble baron (Glenelg) et par le noble Vicomte (Melbourne) comme illégales, sont des sujets qui méritent l'attention d'une autre chambre du parlement. Ce ne sont pas seulement de justes sujets d'examen, mais il est absolument nécessaire que le parlement s'en occupe pour y apporter un remède, autrement il est impossible de dire quelle peut être la conséquence pour ceux qui mettent ces ordonnances à exécution. Il y a une partie de cette dépêche qui ne m'a pas peu surpris: "Je n'ai pas cru, dit lord Durham, qu'il fut juste de transporter ces personnes à une colonie pénale." Le noble lord savait-il bien ce qu'il faisait?..."

Je demande maintenant aux hons. membres, si nous devons nous montrer moins amis de nos droits, nous gardiens des droits du peuple de cette colonie, que la Chambre des Lords et la Chambre des Communes; si nous allons prendre pour règle de conduite ce que le parlement anglais a déclaré illégal, arbitraire au dernier point? Serait-ce juste, raisonnable? Je ne le crois pas.

Je ne vois pas pourquoi, si d'autres personnes qui ont pu être plus coupables que celui-ci sont récompensées, je ne vois pas pourquoi ceux qui ont souffert illégalement seraient exclus du droit à une indemnité. Je crois au contraire que c'est la classe de personnes qui devraient de préférence être indemnisées. Quoi! nous allons les exclure, quand le parlement anglais les a déclarés innocentes? Vous allez exclure ceux qui, d'après la décision du parlement impérial, auraient eu droit de recourir en dommage contre lord Durham. Ils auraient eu le droit, d'après la décision de la Chambre des Communes, de réclamer une indemnité pour pertes souffertes par suite d'une expatriation innocente, et vous les excluez de ce droit, après même qu'une amnistie générale nous a été accordée? Je trouve qu'il y a là injustice crainte à leur égard; je crois que cette conduite ne sera pas approuvée au dehors de cette chambre. Je ne crois pas que l'hon. membre pour le comté de Richelieu ait raison, soit justifiable de prendre sur lui de sacrifier ainsi les droits d'une tierce partie, non plus que les droits du pays. Il ne doit pas prendre sur lui cette responsabilité. Et je crois qu'en adoptant cette démarche, qu'en établissant une pareille classification, c'est faire une déclaration funeste contre nos libertés. Nous devons bien nous garder de nous montrer



moins scrupuleux sur nos droits que le parlement anglais lui-même. Si nous nous montrons si faibles, si nous nous montrons si indifférents sur nos libertés, quel encouragement sera-ce pour ceux qui dorénavant pourraient être portés à se lever par exemple, dans la chambre des communes, pour prendre nos intérêts et combattre pour le maintien des libertés coloniales? Ca serait à jamais se les aliéner.

Pour ces considérations, tout en tenant compte à l'administration de sa position difficile par suite de l'agitation qu'on a créé sur cette question et ne désirant nullement embarrasser sa marche, mais voulant seulement mettre de recors mon protêt contre ce qui me paraît être une admission dangereuse de la légalité des ordonnances du conseil spécial, je crois devoir voter pour la motion que j'ai déjà proposée. Ce n'est pas à nous à faire des classifications en cette occasion. Si vous voulez classer, classifiez d'après des principes, et non pas contre ceux qui, d'après votre propre aveu, ne sont pas plus coupables que beaucoup d'entre nous qui ne sont, dans tous les cas, nullement plus coupables que ceux dont vous voulez payer les pertes. Si vous devez faire de la classification, vous devez la faire par d'autres moyens. Le moyen le plus sûr de rendre justice à tous, serait de ne pas faire de classification du tout; il n'en est pas besoin; il ne doit pas y en avoir. L'amnistie qui nous a été accordée nous a fait sur ce sujet, tous sujets égaux. Ces classifications sont de mauvais augure et ne conviennent pas en 1849. Nous sommes tous sujets d'un même empire, et ceux qui sont à la tête du gouvernement ne doivent pas faire parmi nous de distinction.

Après avoir filé mon protêt contre l'amendement de l'hon. membre pour le comté de Norfolk, qu'on a cru devoir adopter, j'espère qu'on comprendra que je donne mon appui à la motion principale, quoique la motion que je fais en ce moment puisse être perdue. Je voterai pour les résolutions de l'hon. procureur général, telles qu'elles sont, si je ne puis les faire amender; et j'espère que tous les autres membres de cette Chambre en feront autant.<sup>17</sup>

M. PAPINEAU.--Il n'est pas, dans le moment actuel, de réputation comme jurisconsultes, plus grande que celle des hommes qui viennent d'être cités à l'appui de la motion de l'hon. membre pour le comté de Québec. Il n'est pas surtout pour des hommes qui se flattent d'être loyaux, d'autorité plus grande que celle du parlement anglais. Le parlement anglais, surtout en pareille matière, doit être considéré, comme une autorité aussi imposante au moins que celle des tribunaux judiciaires du Canada. L'hon. membre pour le comté de Norfolk et ceux qui le soutiennent veulent renverser la décision de la métropole; ce sont ces autorités infiniment secondaires qui veulent aujourd'hui contrebalancer, annuler l'autorité du parlement impérial, et de premiers jurisconsultes de l'âge actuel! Lord Durham, pour les vexations qu'il a infligées à ceux de nos compatriotes qu'il a fait iniquement déporter à la Bermude, a été flétri comme un meurtrier, et la méritait bien ce titre, si jamais tyran l'a mérité. Après avoir publié une amnistie, en vue peut-être de ce qu'il considérerait la justice publique, il tombe immédiatement dans la contradiction manifeste de donner une amnistie et de punir en même temps. La première partie de son amnistie était générale. Néanmoins se dit-il, j'en ai enlacé quelques uns, j'ai trompé quelques uns de ces hommes que je tiens sous les verroux; je leur ai promis à ceux qui étaient dans cette situation bien plus que ce qui les intéres-

sait eux seuls; ils auraient pu être indifférents, si je ne leur eusse promis que ce qui pouvait les concerner particulièrement, mais je leur ai promis que je rappellerais de bonheur en Canada, et au moyen de ce gain, de ces avantages que je leur proposais pour leur patrie, je leur ai arraché un consentement qu'ils n'auraient jamais donné, s'il ne s'était agi dans mes promesses que d'eux seuls. Et ce consentement que lord Durham a arraché ainsi au moyen du mensonge à ces hommes, à ces prisonniers, il le traduit faussement en confession de crime sur accusation de haute-trahison. Ceci est un procédé nul de plein droit, c'est un procédé déclaré nul par le parlement anglais lui-même. Ceci a été nullifié par ceux qui ne sont pas obligés de veiller à la conservation de nos droits et de notre honneur, et je ne comprends pas, lorsque cette indépendance est montrée ailleurs, cette servilité à céder à des clameurs publiques ridicules et illégales, parce qu'elles sont accompagnées de menaces de résistance à la volonté de la législature du pays. Je ne conçois pas que de si puériles démonstrations puissent ainsi faire courber la tête à un ministère qui a eu dix mois pour mûrir sa mesure, et qui, du moment qu'il entend un cri au dehors, du moment qu'il voit que sa mesure est examinée ouvertement, croit devoir y renoncer. Tous les citoyens ont le droit d'exprimer leurs sentiments, de faire connaître leurs opinions sur une question et d'en appeler, s'ils désapprouvent une mesure de cette Chambre, à nos convictions, pour nous détourner d'une démarche qu'ils croient être injuste. Ils ont le droit d'exprimer leurs convictions, de donner jour à leur pensée, mais ils ne doivent pas avoir la prétention d'influer sur nous par l'intimidation. Pourtant, il n'y a pas d'autre motif que celui-ci qui semble agir sur le cabinet, quand il recule ainsi en appelant la honte sur ce pays et sur cette Chambre. Les membres de l'administration ne veulent pas que nous nous constituions en cour d'appel, et ils veulent nous constituer en bureau d'enregistrement de la conduite et des actes de lord Durham que nous nous associions à sa conduite et que nous fassions comme lui, que publier une amnistie générale qui mette tous les citoyens du pays sur un pied d'égalité, pour ensuite punir les uns et récompenser les autres. On accorde hier une amnistie générale et aujourd'hui on nous dit: faites des classifications, soumettez quelques uns de vos compatriotes à l'injustice, à des exceptions déshonorantes; que pour eux l'amnistie ne soit pas entière. Eh! pourquoi? parcequ'ils ont (sic) l'injustice plus que tous les autres. Il faut pour eux aggraver l'injustice. Ce n'est pas à nous pourtant à faire le procès à qui que ce soit; ce n'est à nous à examiner, s'il y a eu des coupables; il n'y en a plus aujourd'hui. Il n'y a pas eu d'exception à l'amnistie. Tous ont droit à l'indemnité. Chacun peut dire, j'ai souffert; mes propriétés ont été détruites, lorsqu'il n'y avait plus de résistance armée, lorsque les personnes qui avaient cru devoir se mettre sur la défensive n'y étaient plus, j'ai droit à une indemnité. C'est à des femmes et à des enfants qu'on a fait la guerre. Ce sont des personnes qui n'avaient pas participés au mouvement qui sont punies, parce que d'autres n'ont pas été punies en la manière que le voulait la loi. Il n'y a pas eu un seul juré qui ait condamné un seul de nos compatriotes. Il n'y a pas eu dans tout le pays un seul coupable contre qui on puisse adopter une seule exception de droit commun.

De la part du dernier ministère et de ceux qui l'ont appuyé dans la nomination de leur commission d'enquête sur les pertes de 37 et 38 dans le Haut-Canada, lorsqu'on savait que pendant les troubles ceux qui avaient souffert et qui avaient déclaré être demeurés attachés à la cause du gouvernement, que ceux qui sous le nom de loyaux avaient dit, nous avons souffert parce que nous avons été loyaux, avaient tous été payés, la demande d'une nouvelle indemnité prouvait clairement que dans l'intention de ce ministère, il ne voulait pas faire de distinction entre une classe ou une autre. Autrement il y aurait eu de leur part infamie grossière ou bien une supercherie qui leur ferait aujourd'hui monter le rouge au front, s'ils venaient nous dire, nous avons donné ordre de faire des distinctions. S'ils avaient voulu dire à leur commissaires, vous invitez les gens à venir se compromettre, pour qu'ils n'eussent dans le fait aucun avantage à en retirer, n'aurait-ce pas été leur tendre un piège honteux? N'aurait-ce pas été une infamie que de leur dire, nous vous invitons à faire des déclarations sur vos pertes pour ensuite ne pas les payer; soyez assurés d'avance que vous n'en retirez aucun avantage?

Le ministère précédent, en disant qu'il payerait toutes les réclamations disait qu'il y avait eu des hommes qui avaient pris les armes contre le gouvernement, mais qu'ils ne devaient plus être recherchés, que l'indemnité devait leur être accordée comme à tout autre.

L'hon. procureur-général pour le Bas-Canada a dit qu'il avait essayé, devant les cours de justice, à faire quelques réclamations et à mettre en question le légalité des cours martiales. Il nous a dit qu'il les croyait illégales, mais que les juges avaient décidé contre lui. Et c'est parce que sur une première application, lorsque la violence était encore à l'ordre du jour, lorsque des juges venaient d'être destitués et que les tribunaux n'étaient pas indépendants, il n'a pas réussi, qu'il recule dans sa démarche. C'est parce qu'il n'a pas réussi dans une première application que, comme si son amour propre était blessé, qu'il renonce à tenter de nouveau, de faire déclarer par des cours dans de meilleures circonstances, dans des temps de calme et d'indépendance, ce que d'autres cours ont pu craindre de faire, l'illégalité des cours martiales! Mais il fait mieux encore. Il vient interdire à nos tribunaux l'examen de cette question; il l'interdit à tout le barreau, il se l'interdit à lui-même comme avocat. Il nous propose l'adoption d'une mesure par laquelle toute la législature de cette province aura concouru à dire que quiconque aura souffert l'exportation, que quiconque a été arrêté par les cours militaires de 37 et 38, n'aura droit à aucune indemnité. N'est-ce pas dire qu'ils n'auront pas plus droit à faire de réclamation en dommage contre leurs persécutions auprès des cours de justice? Or, de quel droit pouvons-nous le priver de ce privilège, de cette faculté? Qu'apporte-t-on pour excuser ce pas rétrograde? Uniquement l'expérience du moment; la crainte de ne pas être en majorité; des considérations d'expédience, lorsqu'elles courent sur des faits qui sont évidemment injustes et contradictoires avec tout ce que le ministère précédent et tout ce que le ministère actuel ont fait, qui mettent la législature en contradiction avec elle-même. Un tel abandon de principes ne peut être excusé par aucunes circonstances, par quelques raisons que ce soit.

L'hon. procureur-général doit proposer ici que ce qui lui paraît bon. Et comme dans ce moment, ça lui paraît bon et non en contradiction avec



lui-même, il lui plaît de voter l'amendement qui est proposé par l'hon. membre pour Norfolk. Eh! cet hon. membre, comme homme de loi, regardait-il que la confession hors de la présence du juge, en l'absence du juré, sans que la personne accusée soit avertie, puisse être regardée comme valide? Non; assurément, non. Il faut pour que la confession puisse compter pour quelque chose, qu'elle soit faite en présence d'autorité régulière; que celui qui l'a faite ait passé par les formes voulues par la loi, qu'il ait pu se procurer un avocat, qu'il ait pu parler ou ne pas parler, et qu'il n'ait pas été soumis à la contrainte. Or, ce cas de la confession d'un prisonnier est considéré comme non avenu.

L'hon. procureur-général pour le Bas-Canada nous a dit qu'il avait essayé, devant les cours de justice, à faire quelque réclamation et à mettre en question la légalité des décisions des cours martiales; qu'il les croyait illégales, mais que les juges du Banc de la Reine avaient décidé le contraire. Et c'est parce que sur une première application, lorsque la violence était encore à l'ordre du jour, lorsque des juges venaient d'être desitués, tout récemment, lorsque les juges n'étaient pas indépendants; qu'il n'a pas réussi dans sa démarche qu'il abandonne à jamais, comme si son amour-propre eut été blessé, le soin de faire déclarer dans des temps de calme et d'indépendance, par d'autres cours de justice, ce à quoi il n'a pu réussir au premier abord, l'illégalité des procédés des cours martiales. Loin de penser à soumettre de nouveau cette question à nos cours, il vient leur en interdire l'examen, et il se l'interdit à lui-même.

L'hon. membre pour le comté de Norfolk a rempli plusieurs charges dans les cours de justice et, parceque je lui sais des connaissances et des lumières, je n'ai aucun doute qu'il a dû remplir ces situations avec avantage. Or, peut-il dire en conscience qu'il approuve des cours martiales siégeant pour connaître des délits commis par des personnes qui ne sont pas de l'armée? Le parlement anglais tout entier a déclaré qu'il n'approuvait pas cette doctrine. Il a déclaré ouvertement que les sauvegardes des formes que la justice et l'expérience de siècles avaient introduites entre l'accusation et la défense ne pouvaient pas ainsi être violées. La Chambre des Communes a déclaré hautement que lord Durham ne savait pas ce qu'il fesait, qu'il n'avait pas la tête à lui, quand il a pu prendre sur lui, par son conseil de décréter les ordonnances qu'il a décrétées, contradictoirement à tout droit existant avant, pendant et après leur proclamation.

Dans le cas où la rébellion éclate dans quelque partie de l'Irlande, est-ce à des cours militaires que sont livrés les condamnés. Les officiers de l'armée prennent-ils sur eux, ont-ils ce droit de décider sur la vie d'un citoyen qui ne s'est pas enrôlé dans un régiment, dans l'armée. Il n'y a pas d'exemple d'une pareille désorganisation. Dans le moment actuel ceux qui subissent leur procès en Irlande ont-ils été traduits devant des cours militaires? Non, la juridiction de ces cours ne s'étend pas jusque là: une pareille prétention est partout repoussée. Comment donc hésiter à se prononcer sur la légalité ou l'illégalité de nos cours martiales? En vertu de quelle autorité avaient-elles pu se permettre d'empiéter sur des droits qui leurs étaient étrangers? Elles ont siégées uniquement en vertu d'autorités qui leur donnaient le droit de prendre connaissance des délits des gens de l'armée, mais nullement des délits d'aucune autre classe de la société.

Je crois donc fortement que c'est ridicule pour nous que de vouloir sur cette question nous mettre en lutte contradictoirement avec le parlement anglais, que c'est humilier nos jurisconsultes que de les mettre en présence et contradictoirement avec l'opinion des lords Ellenborough et Brougham. C'est refuser le conseil de la justice, c'est rejeter les règles d'après lesquelles nous devons agir, c'est repousser les conseils de l'honneur et du respect pour soi-même et pour le pays que de concourir dans un amendement comme celui qui nous est proposé. Les hon. membres qui composent le cabinet n'ont pas droit de savoir avant le vote, s'ils seront en majorité ou non; s'ils pensent une mesure juste, ils doivent la proposer et ne plus reculer, que sur conviction qu'ils sont dans l'erreur, et non devant la crainte de perdre leurs places.

Je prends maintenant l'argumentation de ceux qui disent: nous ne voulons rien donner du tout à des malheureux qui ont été la suite de troubles qui ont été excessifs pour ceux qui ont été vaincus, voilà tout; ils doivent subir la conséquence des malheurs qu'ils ont recherchés. A cela nous répondons que ce n'est pas l'état de la question. S'il y a eu des personnes qui, sous le prétexte de soumettre une résistance armée, qui, sous le prétexte d'une loyauté honnête, ont commis des méfaits; s'ils y avait de ces personnes qui ne savaient pas que même pour faire pratiquer la loi, il ne faut pas fouler aux pieds les lois du bon sens et de l'humanité, ce n'est pas pour blâmer un parti plutôt que l'autre que nous croyons devoir le rappeler ici en ce moment. Ceux qui ont pris les armes, qui se sont insurgés, ne peuvent pas reprocher à d'autres hommes d'avoir pris les armes contre eux. Ce que nous voulons, c'est que l'injustice et la violence n'aient pas l'air d'avoir été sanctionnées par les autorités légitimement constituées. Car alors elles tireraient à conséquence et deviendrait infiniment dangereuses pouvant être invoquées plus tard comme excuse et comme exemple. Il n'y a plus de motif de faire souffrir, de punir un seul homme. Tout gouvernement qui voudra la conciliation, qui voudra la paix et le contentement dans le pays, qui voudra que tous les citoyens puissent s'y voir et y avoir à se reprocher éternellement les violences commises dans des temps de troubles et de surexcitation, devra, pour amener ces résultats, faire ce qui se fait toujours dans un moment où des décisions légales remédient au mal qui a été souffert, c'est-à-dire accorder une indemnité sans restriction. Ici c'est quelque chose de nouveau, mais c'est une pratique, un principe qu'il devient grandement utile de consacrer, que lorsque pour une fin même légitime on a commis des excès si odieux, ils doivent être réparés.

Ceux qui sont attachés à l'ordre doivent, s'il leur reste quelque sentiment de moralité, faire tout en eux pour empêcher qu'on puisse toujours reprocher de pareils excès à ceux qui, travaillant dans un but honnête, pratiquaient néanmoins le vol et le pillage dans tout le pays. Ce sont donc des considérations de haute politique que celles qui nous portent à faire cesser toute distinction entre les citoyens de ce pays! ce sont des considérations qui deviennent d'un droit stricte et rigoureux pour le ministère. Pourquoi donc l'hon. membre pour Norfolk voudrait-il se montrer moins libéral que le parlement anglais? Pourquoi voudrait-on nous traduire aveuglément en bureau d'enregistrement des ordonnances du conseil spécial de lord Durham? Voilà ce qu'on veut nous faire faire. Je n'ai pas entendu dire autre chose à nos ministres

libéraux que ceci; nous ne serions pas réélu, si nous persistions à faire passer nos résolutions telles que d'abord proposées.

Eh! bien je dis que des hommes qui hésitent à faire ce qu'ils considèrent être juste, par la crainte de perdre leur place, devraient être remplacés par d'autres hommes qui se conduiraient d'après des principes fixes, par des hommes qui seraient indifférents à garder ou à perdre le pouvoir, mais qui seraient vigilants à veiller sur leur honneur et sur l'honneur de la nation. Je crois qu'il n'y a rien de plus funeste que de se former en comité de nouveau pour faire écho aux observations de l'hon. membre. Il ne peut pas y avoir ici de Chambre étoilée. Nous ne voulons nullement examiner quelle a été la conduite de qui que ce soit. Nous n'avons pas d'approbation ou de censure à donner à personne. Nous voulons seulement connaître la valeur des propriétés qui ont été détruites par une violence non nécessaire, pour accorder une indemnité indistinctement à tous ceux qui ont souffert par suite de cette violence injuste. Eh! bien, quand nous avons lieu de croire que nos commissaires seront des hommes honnêtes, et que nous voulons leur laisser pleine latitude, pourquoi veut-on nous faire applaudir aux meurtres des cours martiales, aux crimes de tribunaux militaires inconstitutionnels? C'est là une contradiction manifeste. Une journée l'amnistie est promise, et le lendemain on la retire à ceux de nos compatriotes qui l'ont le mieux méritée, par le sacrifice qu'ils ont fait, par leur protestation hautement énoncée que ce qu'ils avaient fait, ils l'avaient fait dans l'intérêt du pays uniquement. Lorsque leurs souffrances leur sont ainsi en mérite de plus, pourquoi se prévaloir de ces souffrances pour leur en imposer de nouvelles? Je crois que, quelque puisse être l'opinion de l'hon. membre pour Norfolk, la question est assez sérieuse, pour qu'il n'y ait pas d'opposition à la reconsidération de cette question dans un comité général de cette Chambre. Tous ceux qui veulent donner une indemnité agissent, bien plus certains d'avoir l'approbation publique que ceux qui reculent aujourd'hui sur cette mesure, de crainte de perdre leurs sièges, ce qui semble être le seul mobile sur lequel roule leur détermination. Le pays comprendra que c'est une inconséquence politique que cette détermination soudaine de nos ministres; que c'est appeler la législature à dire encore aujourd'hui après une amnistie, qu'ils voulaient encore exercer des vengences (sic), quand il ne s'agissait que de pardonner, que d'adopter le principe d'une amnistie générale.

S'il reste quelque réclamation, M. l'orateur, pour le Haut-Canada, il faut y faire droit. Il y a eu vingt mille louis de payés en 37 pour les pertes à ceux qui se sont présentés comme loyaux. La première commission était distincte, en ce sens qu'elle était établie pour prendre connaissance des pertes des loyaux qui avaient été attachées à l'étendard du souverain. S'il reste encore de ces pertes non indemnisées, ils ont le droit d'en réclamer le paiement. Il est assez incertain de savoir s'il reste beaucoup de ces pertes qui n'ont pas encore été payées, vû que tous ont pu les réclamer pendant longtemps. Toujours, s'il en reste, ceux qui les ont souffertes ont droit d'en exiger le paiement. La législature, si elle veut l'oubli du passé, doit appeler tous ceux qui ont des réclamations à faire à les venir indistinctement formuler. Mais les hons. membres veulent de l'exclusion que je dis être en contra-



diction avec l'idée d'une amnistie qui nous a été accordée.

Dans ces circonstances, j'espère que la motion de l'hon. membre pour le comté de Québec sera adoptée.<sup>18</sup>

MR. H. BOULTON, before answering any of the remarks made by the member who had just spoken, would beg leave to say a word in reference to what he had said of General Gore on a former occasion. The remarks which he had made upon a former occasion upon General Gore's conduct, were either misrepresented or they were rather stronger than he intended to have made them. He had stated nothing whatever but what he found contained in the public records; but he was happy to have an opportunity of saying that he had the authority of General Gore to say that he had used every exertion to prevent the burning of the houses at St. Denis; and, when he found that the soldiers could not be restrained from destroying property, he gave orders to bring any caught destroying it to a drum-head Court Martial, to have them flogged.<sup>19</sup> Now with respect to the question before the House.<sup>20</sup> He would beg leave to say, with regard to the observations of the members for Quebec and St. Maurice, he would take leave to say<sup>21</sup> he did not think there was a single word in his resolution which authorized hon. members to make use of the line of argument used by them.<sup>22</sup> There was not a single word about Courts Martial or Ordinance in the Resolutions; it said that every person who had been convicted should be excluded. It did not say a word about how they had been convicted; and in fact he himself did not exactly know, at the time he proposed the amendment, how they had been convicted.<sup>23</sup> All that he required was, that no persons who had been convicted of treason should be indemnified for their losses, whether they were convicted in Courts Martial or the Courts of Justice, for, in his opinion, it was a recognized rule in every civilized country, that no man who had ever been convicted by a qualified court should be indemnified for the loss he had suffered by that conviction, consequent on the infraction of the laws. That was all he proposed by his resolutions, and he really could not see the necessity for hon. gentlemen to set up a man of straw for them to knock down again. He was prepared to stand by his resolutions<sup>24</sup> and he had used arguments which he thought were reasonable.<sup>25</sup> If any party was tried and convicted by an incompetent or illegal court, it was quite clear that they were not guilty in point of law, but if they were convicted by a Court Martial, and that Court Martial, were properly constituted then there could be no doubt that it would be absurd for the House to erect itself into a Court of Appeals.<sup>26</sup> The hon. member, after making a few remarks relative to the Courts Martial, went on to say that the banishment of any person to Bermuda under the Ordinance of the special council was illegal, and that he believed that he was the first person<sup>27</sup> in England<sup>28</sup> who called the attention of the Secretary of State to the fact, for whatever might be the legality of the Ordinance in the Province, it certainly had no power beyond its limits. The resolution, however, did not say a single word about persons legally transported. He had adopted the resolution only because the guilt of the persons who were transported was ascertained; and he proposed to exclude every person who had been convicted, without saying a word about by what authority, and if a party has been convicted he makes one of a certain class, and the Commissioners will not be driven to the necessity of examining witnesses as to whether A, B, and C have taken part in the Rebellion--they will know whether he has done so from the Public Records.<sup>29</sup> Now, he was not prepared to give his sanction to any proceeding in the House which might be hereafter used for the purpose of establishing a Star Chamber of five or six

persons, who would have it in their power to case a stigma upon any man whatever who went to prefer his claim for indemnification; and it must be manifest to hon. members, that under the present circumstances of the Province, it would be impossible to try those parties over again who had been already pardoned, and although it was said that the House had been taken by surprise by the introduction of the Act of Amnesty, and the immediate introduction of the proposition of the Hon. Attorney General East, what was the cry of hon. gentlemen opposite themselves? Did they not say that there were not three people who would be benefitted by the Act of Amnesty? He thought they were right, for his impression was, that the most of the parties engaged in those troubles had been pardoned long ago, and yet what would be the effect if those parties were to be precluded from the benefits conferred by this resolution? Would not they be liable to be tried over again in defiance of every principle of law, as every one on the floor of that House must be well aware?<sup>30</sup>

COL. GUGY.--That is exactly what you are going to do.<sup>31</sup>

MR. H. BOULTON would like to hear some explanation of the hon. gentleman's meaning. For his own part he must say there was nothing more disgraceful than a system of legislating for individuals. He advocated legislation on a broad principle, and he would ask hon. gentlemen if it was intended to pass a proposition for the exclusive benefit of the loyalists; did they think they would gain their object? Did they not know perfectly well that people of every class would receive indemnification even in that case, from the impossibility of proving that any of the claimants were guilty without entering on a second trial of parties who had already received their pardon--a trial for high treason before a few individuals who received their commissions for the purpose of investigating rebellion claims, and that too by a system which he could not conceive any Englishman on the floor of the House would sanction? It was all very well for hon. members to say that public notoriety would suffice<sup>32</sup> but was that a sufficient authority to condemn a man upon?<sup>33</sup> The claimant himself would be obliged to give answers which would, perhaps, lead to his own conviction for high treason. Even to suppose such a thing would be an insult to every member of that House.<sup>34</sup> And how were they to inquire into whether such and such was implicated in the rebellion. They could not do it without a special act of Parliament. It would not be legal evidence that which would be received by the commissioners, because they could not try a fact but by a competent tribunal.<sup>35</sup>

COL. GUGY deemed it necessary to make a few remarks in order to explain the reasons for the vote he was about to give. By the question, as it was originally propounded by the Ministry, it was evident it was their intention to compensate every man, however much he was implicated in the rebellion; but the member for Norfolk had proposed an amendment, by which amendment the Ministry had placed themselves in a very singular position, they had been obliged to modify their original measure; and although they did so at the request of one of their own supporters, yet they must have strong reasons for modifying their measures, but as the amendment which had been carried, had introduced the principle for which he, Mr. Guky, had contended, he must vote against the amendment of the member for

Quebec<sup>36</sup> par lequel il veut référer à un comité général, les résolutions dont la Chambre s'occupe depuis quelques jours. Je suis, quant à moi, d'avis que pas une de ces résolutions n'auraient dû être passées. Je ne puis être responsable des malheurs arrivés pendant nos troubles politiques. Je ne saurais donc demander la formation de la Chambre en comté sur l'amendement qu'on propose. Si cet amendement venait à passer, il faudrait accorder compensation à tous ceux qui se trouvent dans la catégorie (sic) des souffrants pendant les années néfastes de 37 et 38. Je comprends cet amendement parfaitement pour ceux qui disent que la résistance des canadiens a été juste, pour ceux qui croient que tous ceux qui ont pris part à ces événements étaient également innocents. Je comprends parfaitement que pour des personnes qui croient que les canadiens étaient justifiables d'avoir pris les armes; je comprends, dis-je, que pour tous ceux-là, un amendement semblable, qui veut accorder à tous également une compensation, comme elle qu'on ne veut accorder qu'à quelques personnes.

Cet amendement pour eux me paraît découler des prémisses établies dans cette discussion par les membres de l'autre côté de la Chambre, et des résolutions elles-mêmes telles qu'elles ont été d'abord soumises à notre considération. Mais pour moi, comme pour plusieurs autres membres de cette Chambre qui veulent restreindre la compensation à ceux qui n'ont pas pris part aux troubles, ou qui y ayant pris part n'ont voulu que maintenir l'ordre, je dis qu'il découle aussi comme conclusion nécessaire de nos principes que nous devons nous opposer à cet amendement. Voilà comment je me trouve à voter aujourd'hui avec l'administration. Comment puis-je consentir à un amendement comme celui-là qui me priverait de pouvoir invoquer l'opinion du ministère en faveur des cours martiales.<sup>37</sup> By the Act of Amnesty it was said that those persons who were engaged in the Rebellion were restored to the position which they were in before they committed the crime. Well, if it was so, did not the Amnesty Bill apply to those who had been tried by Court Martial, and did it not apply to those who had been sent to Bermuda; and if it did, were not those persons in the same position as if they had never been convicted?<sup>38</sup>

MR. H. BOULTON rose to explain: those persons having been convicted, the conviction furnishes evidence of their having taken part in the Rebellion, and it was therefore necessary to take evidence to show that they had done so, and the reason why no other person comes within the same category is because they must presume a man to be innocent until he was found guilty.<sup>39</sup>

COL. GUGY could not understand the explanation of the hon. member. It seemed to him to be very plain that he who was convicted was convicted, and he who was pardoned was pardoned; and he who was pardoned by such an act of grace as that which had been passed, seemed to him to be much in the same position as if he had never been convicted at all. What was the act passed for at all?--to pardon those who were innocent? It certainly would never have been called for if there had not been some portion of Her Majesty's subjects who required it. Here they had men one day offering a pardon to certain persons, and with what view? To quiet the country, and to put the parties upon the same footing as the other subjects of her Majesty. Well, the ink was scarcely dry on



the piece of parchment containing the pardon, before the member for Norfolk comes down with a message which is at variance with the Act of Amnesty, and to contradict it.<sup>40</sup>

MR. H. BOULTON.--The hon. member has said that the parties being pardoned, puts them on the same condition as if they never had been condemned, but that was not the fact, if because a party convicted forfeited his estate, and if he was pardoned he did not therefore get back his estate.<sup>41</sup>

MR. SHERWOOD.--The act gives it to them.<sup>42</sup>

MR. H. BOULTON.--Oh, they were pardoned a long time ago.<sup>43</sup>

COL. GUGY continued. The members on his side were consistent, because they had objected to the payment at all of any persons who were implicated in the Rebellion; but it seemed strange to him that the ministry should agree to the proposition of the member for Norfolk, which would deprive many of the persons whom the ministry must desire to see rewarded from compensation. Yet as those persons formed part of those engaged in the rebellion, the members on his (Mr. G.'s) side of the house, must agree with the ministry in supporting them against the member for the County of Quebec.<sup>44</sup> M. l'orateur, quand le ministère a déclaré qu'il ne voulait pas se former en cour d'appel, il a déclaré en termes formels qu'il confirmait les décisions des cours martiales, qu'il voulait que leurs sentences eussent plein et entier effet. Les ministres en adoptant cet amendement, au moins c'est ainsi que je vois la chose, ont déclarés qu'ils prenaient pour bonnes et valables toutes les décisions des cours martiales. Avec une décision pareille, il est bien clair que le ministre a fait un pas, je dirai même qu'il a fait vingt pas vers nous, qu'il a voulu en effet se rapprocher du parti tory, en déclarant que tous ceux qui avaient été condamnés par les cours martiales étaient coupables, et puisqu'il étaient coupables, n'est-ce pas déclarer aussi pour vraies et valides toutes les décisions de ces cours. Et maintenant, pour nous qui fesons ce qu'on appelle de l'autre côté une faible minorité, une faction bien faible, pour nous ces cours martiales avaient en effet droit de juridiction en pareille matière, nous devons nous accorder avec les ministres en cette occasion.

Je n'ai pas consulté l'administration pour en venir à ce vote. (rires.) Les hons. membres de l'autre côté de la Chambre paraissent surpris de ce que je dis ici; sans doute que c'est messieurs regrettent que nous ne soyons pas comme eux, qui n'ont aucune autre volonté que celle ministère.<sup>45</sup>

M. CAUCHON rit avec force.<sup>46</sup>

COL. GUGY ((continued:)) Quand à l'hon. membre pour Montmorency, il ne devrait jamais ouvrir la bouche, il ne l'a jamais fait utilement, mais toujours pour faire entendre de sots grognements. (rires) Et pendant que j'y suis, je ferai remarquer à l'hon. membre qui m'interrompt que ma position à moi est une position infiniment plus raisonnable, plus logique, plus en accord avec mon passé que ne l'est la sienne, quand il renie ainsi les intérêts de ses compatriotes.

J'entends déclarer à cette Chambre, quoique je ne sois jamais entré dans les cours martiales, quoique j'aie déploré les excès qui s'y sont passés, j'entends déclarer que ces cours sont, pour tous ceux qui

pensent comme moi, des cours indispensables, d'autant plus indispensables qu'il est certain que les meurtriers qui alors exerçaient leurs ravages sur ce pays auraient eu pleine liberté de vaquer sans gêne à leur infâme métier, si ce n'eut été de ces cours militaires. Il n'y avait pas de jurés qui eussent voulu les condamner. Aucun juré composé de canadiens n'ont voulu condamner leurs compatriotes dans ces circonstances.

Je vois donc avec plaisir qu'il y a dans le ministère et chez ceux qui sont toujours prêts à le supporter, des canadiens qui veulent prendre pour bonnes toutes les décisions des cours martiales. Est-ce vrai?<sup>47</sup>

MR. SOL. GEN. DRUMMOND.--Pas une seule.<sup>48</sup>

COL. GUGY.--Pourquoi donc le ministère ne s'est-il opposé à l'amendement présenté à ses résolutions par l'hon. membre pour le comté de Norfolk; à cet amendement par lequel on blâme, on flétrit des gens qui se sont sacrifiés eux-mêmes, qui se sont courbés devant Lord Sydenham, qui se sont votés pour le salut et le bonheur de leurs compatriotes? Encore un court espace de temps et vos concitoyens vous feront monter la honte au front au souvenir d'une pareille lâcheté! Ce n'est pas à moi qu'on pourra faire le reproche d'avoir sacrifié personne en cette occasion; on comprendra que je ne faisais qu'être consistant avec mes principes, mais il y a des gens auxquels on pourra faire ce reproche d'avoir consenti à sacrifier cette partie de leurs compatriotes qui ont pris part à la rébellion, il est vrai, mais qui étaient les plus innocents, qui ont expié leur mauvaise conduite, leurs actes imprudents, par un long exil et des confiscations qui entraînaient le deuil et l'indigence pour leurs familles. Pour moi, si j'avais été pour quelque chose dans cette affaire, j'aurais préféré aujourd'hui partager leur honte que d'enregistrer ici, comme vous les faites, un vote qui aura l'effet de valider les jugements de la cour exceptionnelle qui les condamne. Je suis content de dire que leur condamnation par cette Chambre n'est pas un acte dont j'ai à prendre sur moi la responsabilité. C'est un acte dont je vois avec plaisir que le ministère a bien voulu prendre sur lui la responsabilité; c'est aussi un acte qui me rapproche de lui, ou plutôt qui le rapproche beaucoup de nous. Je voterai donc avec le ministère, parceque par son vote il concourt avec nous pour reconnaître que les cours martiales étaient des cours légitimement constituées. C'est ainsi que je comprends la question et c'est ainsi qu'elle est comprise ici.<sup>49</sup>

M. CAUCHON.--Non, non.<sup>50</sup>

COL. GUGY (( continued: )) The member for the County of Norfolk put the question, how could they distinguish whether a man was loyal or not, if he had not been convicted, and how they could put them on their test. He would tell the hon. member that if an impartial Commission was named, composed of men of probity, there would be no difficulty about doing so,--there was such a thing as the anus probandi, and if persons claim any benefit from the Act which would be passed, they must prove themselves to be in the letter of it. If the Act was restricted to the payment of those who had taken the side of order, what would be more natural than for A, B, or C, in coming forward to claim under the Act, to produce evidence that they did not act against the cause of order, but that they were engaged in preserving order. Every plaintiff (sic) who demands anything in a Court of law is obliged to prove that he is entitled to it. In

this case A, B or C would stand in the position of plaintiffs, it would be necessary for them to prove that their houses were burnt, their property destroyed, and it would be also necessary for them to prove that they were not implicated in the Rebellion, or some act by which it could be shown that they were disposed to support order. If proper commissioners were appointed they would be disposed to support order. If proper commissioners were appointed they would be prepared to receive evidence that A B or C had taken part in the Rebellion, and would therefore be prepared to dismiss their claims, there was no difficulty in doing so, and there would be nothing like Star Chamber practice, and this showed that the views of the members for Norfolk were neither very correct nor well founded. The hon. member then went on to refer to the verbal message of His Excellency the Governor General relative to the measure before the house, and to say that there was some difference between the message as delivered by the Inspector-General and as contained in the Journals.<sup>51</sup>

MR. INSP. GEN. HINCKS rose and said, that he delivered the message in the precise words in which it was to be found in the Journals.<sup>52</sup>

COL. GUGY was bound to believe he was mistaken then, although he did not think it was very probable that the reports and many of the members could be mistaken; but let the message of His Excellency be what it may, it could have no weight with the independent members; there were many gentlemen in the country who had a far greater and deeper interest in the Country than he had, and no terms he could use would have the slightest weight with the members of that house. He (Mr. G.) spoke of this because he believed that the name of His Excellency the Governor General had been used to influence the public mind; and because it was considered as a tower of strength by the members opposite. The hon. member then proceeded to remark on the designation of spurious, applied to Canadian Loyalty, and to remark that it was of a very enduring character, that there was even something like fanaticism in it; and would remark in passing that most of the men of Upper Canada, and also in Lower Canada, who had taken a part in overturning their institutions, had been Europeans. Such was the disgust at the proceedings of the house, that hundreds within the city of Montreal were prepared for any result rather than to yield to such a measure (hear, hear) it was a measure which the loyal people of this country did not deserve to hear. If the spirit of that great and good man, who had done so much good for this country, whose memory was so deeply cherished in the minds of the people of this Province, exerted any influence in that house there would have been an appeal to the people of the country (cheers) and there would have been a change seen in the constitution of that house. (Hear, hear.) Amongst other changes, there would be a new member for the County of Oxford (hear, hear) who would not fail to take the part which he (Col. G.) had done (hear).<sup>53</sup>

MR. H. SHERWOOD would not say that he was prepared to support the Ministry, because he was desirous of taking every step which was likely to defeat them; but he must<sup>54</sup> nevertheless<sup>55</sup> oppose the going back into Committee for the purpose of defeating the amendment of the member for Norfolk<sup>56</sup>. The amendment of the hon. member for Norfolk was not what he would have voted for; but the amendment had this effect, it defined the intentions of the Government as to the manner in which it would



proceed. Before, there was nothing before the house except a vague, open resolution, that it was expedient to appropriate such a sum of money, &c., &c.<sup>57</sup> He (Mr. S.) had in his place asked the Attorneys-General East and West what was intended by bringing in general Resolutions? He put the question at the very moment the Resolutions were brought down, but he received no answer.<sup>58</sup> He could think of no plainer manner of making the demand than to inquire if they intended to pay the hon. member for Richelieu? There was nothing but dead silence. He asked if silence gave consent? There was still no answer. Now, what other impression could he form, than that it was intended to embrace every case of loss, whether the claimant was in arms against the Government or not? He left the building with that impression<sup>59</sup>. He heard from members who supported the Ministry that it was not intended to pay those who were in arms; he saw it in the newspapers; he saw it in the official organ, the Pilot, and also in what might be considered a demi-official newspaper, the Globe, that it was not intended to pay those persons.<sup>60</sup> How was it, he asked, then, that this answer was not given, when he asked if the losses of the hon. member for Richelieu were to be included?<sup>61</sup> From what had been said in the House, he could not arrive at any other conclusion than that they intended to pay all. He was opposed to going back into Committee because the Resolutions, as they now stood, showed what the intentions of the Government were; it showed that it was not their intention to pay those who had been convicted. He now knew the claims which they were called upon to vote for; but when he said that he was opposed to going back into Committee, he did not mean to say that he was in favor of the amendment as it stood, because he was opposed to the payment of<sup>62</sup> a single farthing to<sup>63</sup> any person who had taken part in the<sup>64</sup> unnatural rebellion. He would resist it by every constitutional means; and if it should appear that other means were justifiable, he was willing to resist to the last.<sup>65</sup> But he disapproved of the amendment, because, if they paid any person engaged in the Rebellion, they should pay all. Would they tell him that the<sup>66</sup> unfortunate<sup>67</sup> man who was taken was more criminal than a man who escaped, merely because he outran the constable? Was the man who ran away to be paid, while the man who was so unfortunate as to be caught was not to be paid, when both of the parties were equally guilty? Was there any justice in that? None.<sup>68</sup> Could you say to two men, who stood side by side perhaps in taking the life of a fellow-creature--could you say to one man, "We will pay your losses, because you got off," and to the other, "You were taken, and shall get nothing,"--The hon. member for Norfolk said he desired to draw this line, because you would thus indicate the people who were guilty--because it would exclude the six men sent to Bermuda.<sup>69</sup> If he was prepared to vote for any one, he would vote for all who engaged in the Rebellion, whether they were convicted or sent to Bermuda or not--he would pay them as soon as any others. He would like to know what reason had been offered for their not paying those persons as well as any others. The member for Norfolk said it was because there was evidence furnished by the Courts of their guilt, and because of that, in the face of Royal pardon, they were going to exclude these unfortunate men who were convicted, while they were going to pay all others. Did not the Act of Indemnity pardon them all from treason, and suspicion of treason, and restore

those who had been convicted, the moment it received the Royal assent, to all the rights, privileges, and immunities which any other of Her Majesty's subjects could demand or enjoy. It was very unjust to pay those who had not been convicted while they refused to pay those who had been, when there was the Royal pardon restoring them to all their rights<sup>70</sup>. He asked how the hon. members could expect to shut the mouths of the people by telling them "we act on the principle of paying none who were connected with the rebellion"?<sup>71</sup> He would support the amendment of the member for Norfolk, because it showed what the Government intended to do; it showed that they wished to exclude a few unfortunate men who were convicted, while they intended to pay other persons equally guilty. The amendment was as unjust in principle as the original measure<sup>72</sup>. It began with, continued, and would be consummated in injustice.<sup>73</sup> But, for the reasons he had stated, it was his intention to vote against going back into Committee.<sup>74</sup>

DR. DAVIGNON.--Je suis bien aise que mon hon. ami pour le comté de Québec m'ait donné l'occasion de protester encore une fois contre les procédés et les sentences des cours martiales. Je n'ai aucun reproche à faire à l'hon. membre pour Norfolk. Mais quant à moi, je puis dire qu'en aucun temps, jamais je ne concourrai dans aucune résolution qui tendra à confirmer la légalité des sentences de la cour martiale. Je veux bien croire que nous ne sommes pas ici pour décider de la validité de ces sentences, mais je crois que si nous les laissons passer sans protêt, ça serait les excuser, les déclarer légales. L'hon. membre pour Richelieu veut bien renoncer à ses droits à l'indemnité, c'est bien. Mais qui nous donne le droit de renoncer aux droits de ceux qui ont été persécutés par les ordres de la cour martiale? Je suis d'opinion qu'il ne nous appartient pas de les priver de leur part à l'indemnité. Si nous avons quelque chose à faire avec la cour martiale, ça ne doit toujours pas être pour l'approuver. En conséquence de ceci je voterai de nouveau contre l'amendement de l'hon. membre pour Norfolk.<sup>75</sup>

DR. NELSON was not sorry that the motion of the member for the County of Quebec had been made, because it gave him an opportunity of stating the reason why he was so willing to support the amendment proposed to the second Resolution. When the member for Norfolk spoke to him,<sup>76</sup> on the subject, when he (Dr. Nelson) said, that if his claim would have the effect of preventing the settlement of others, he would at once withdraw all claim on his account. This he had told also to the hon. member for Two Mountains. He had said to the hon. member for Norfolk, that if the name of Wolfred Nelson was raised, he would second his amendment. He was perfectly willing to give up all claim, if his doing so would assist in getting the claims of others settled. He did not wish to do anything that might controvert the claims of others. He had also seen these generous and brave men who had given themselves up to Lord Durham, and were sent along with (Dr. Nelson) to Bermuda, as sacrifice for the people with whom they acted and those persons were willing also to give up all claim, if their claim interfered with that of others. He had heard from another gentleman<sup>77</sup>, a person whom he was happy to consider as his friend<sup>78</sup>, who had lost his all at that period, he meant Mr. Bouchette, and that gentleman said that though he had lost all, yet he had risked all, and risked it too, in a good cause, and that gentlemen, also, said,

that the position he (Dr. Nelson) had taken was a right one, and he was willing also to give up his claim, if such an act would benefit others. Some how<sup>79</sup> all the observations of the members opposite appeared to be directed to him, as if he had been the head and front of the Rebellion. He was perfectly willing to bear the consequences of all he had done, and he would<sup>80</sup> also ... be willing to expiate in his own person for the act of his fellow-country-men in taking part in the events of the unhappy period. He, at that time, had lost property to the amount of £23,000 which was a fact that could be proved. Not only had his own property been destroyed, but the property of others, which had been placed in his charge. He was perfectly willing that his claim, for his own property, should be given up, but he would do all in his power to get the parties indemnified for the loss of the property which was under his care at the time. Several of these gentlemen were Tories of the purest water, and he did not think it right that they should lose what belonged to them, and which had been destroyed along with the property which had belonged to himself. He would say one word in reference to the position assumed by hon. gentlemen on the other side of the house, and in answer to the observations of the hon. gentleman who spoke last. The proposition before the House was but following out the example set by the hon. gentlemen opposite. If it was not so, why did the late Administration grant £5,000 to a person looked upon as one of the leaders of the rebels? Why did they grant this sum? Was it because they thought him more worthy than others? If not, they had to thank themselves for the present movement, as the Ministry were only acting on the example which they thus had given. He did not blame the hon. gentlemen opposite for having paid this sum, as he thought the gentleman who had received it was entitled to it, but he did blame them for finding fault with those who were only anxious to carry out the same principle as they had acted on. The hon. member for Toronto had said that he was guilty of rebellion, but he (Dr. Nelson) denied that he had been guilty of rebellion. He had done what he could for the good of his country, and he believed that he was then acting in accordance with the constitution of the country. This was his firm conviction, and he would hold that opinion to his dying day. If this had not been so, would the House of Lords of England have interfered in the matter? Much had been said of Lord Durham, and of the fact of Dr. Nelson placing himself in his hands, acknowledging themselves guilty of the crime with which they had been charged. It was not because he and others thought or acknowledged themselves guilty that they had done so, but because they were of opinion that in giving themselves up to him, they were placing themselves in the hands of a good and generous statesman. None of the Bermuda men had ever uttered a word of complaint against that nobleman. The hon. member for Norfolk had taken the credit of first drawing the attention of the Home Government to the illegality of the act of sending him (Dr. Nelson) and others to Bermuda, but he thought that there was rather some political movement at the bottom of it. The remarks he had made were not for the purpose of making good his claim, but for the purpose of showing that in the position he was placed in at St. Denis, there was nothing premeditated. If such had been the case, he could easily have transferred his property to some other party of his family<sup>81</sup> to his brother-in-law, who was a Tory, with whom it probably would have been all safe.<sup>82</sup> But though this might have been considered a cowardly act, still he could have



done it.<sup>83</sup> If anything had been premeditated, would he not have taken some steps to have secured his property from destruction? But nothing was premeditated--every thing was going on as usual in his manufactory.<sup>84</sup> He thought that all who espoused a course should make up their minds to all losses they might sustain by it. His non-transference of his property he thought, however, was a proof that nothing at St. Denis was premeditated beforehand. The hon. and gallant Knight, the member for Hamilton, had stated that a few demagogues had been the cause of getting their more simple countrymen into trouble, and then had run away and left them; but he might be allowed to state, that unless what those who were termed demagogues had uttered sentiments which met a response in the hearts of people, they would not have joined the cause. He was glad of the opportunity of setting himself right before the country and before his creditors. If they punished him by excluding his claim, and which he had himself withdrawn, still he did not think it would be just to exclude the claims of those whose property was destroyed with his own, and which was under his care. In fact, he would protest against such an exclusion.<sup>85</sup>

MR. WILSON.--The member for Norfolk asked whether aiding and abetting in the Rebellion was not rebellion? He (Mr. W.) must admit that it was; but it did not, therefore, follow that his amendment was right. He could understand what was meant by the original Resolution, that it violated every principle of justice but when the member for Norfolk moved his amendment, he admitted the principle for which he had contended; while he admitted the principle he (Mr. W.) contended for, the member had, by false reasoning, come to a very different conclusion from him. The learned gentleman told them, very gravely, that there was no other means of judging whether a man was engaged in the Rebellion, or not? Suppose a person's house, which was insured, was burned, and the person claimed his insurance, would he only have to show to the Insurance Company, that his house was burnt, and nothing else? Would he not have to show what was the cause of the fire, and the circumstances connected with it? And was there any great difficulty, when a man fyled a claim for loss sustained by the destruction of his property, to ask him to give a reasonable account of the causes of the destruction? And suppose that he was even asked whether he was engaged in the Rebellion--there would be no danger in admitting it, because he had been pardoned, and could not be tried for it--and if the person could not give a satisfactory account of the destruction of his property and of his conduct, would there be any very great harm in deferring his claim until there was further proof made? The proceedings followed every day by Insurance Companies, in investigating claims for losses sustained by the fire, afforded a very good precedent for the course which ought to be taken.<sup>86</sup> Although from the vote of Friday evening I am satisfied that nothing I can say will influence the vote on this question now before the house, I am nevertheless anxious that my views on the subject should be fairly understood. I am not one of those who think passive obedience a duty which may not be outweighed by other duties, both personal and social; but I freely confess that I think my duty to my Sovereign, and my duty to respect and maintain existing institutions, are not to be put in the scale with imaginary grievances and theories on government, suited it may be to other people, but not suited to the people whose losses are the subject of the discussion. But I do admit, and shall always maintain, that if the

Government be tyrannical, and the laws oppressive--and if the Constitution admit of no remedy--and if this tyranny and oppression have become so general as to be distinctly felt, and so galling as no longer to be borne with that patience which becomes freemen,--and if the people, feeling the wrong and the oppression so intensely, they soberly determine to peril life and fortune in the endeavour to make themselves free,--and that if, under the circumstances, there exists a reasonable hope of success,--then I hold it to be a duty to rebel; but, rebelling, they must take the consequences.--Success may give its reward--defeat must bring its forfeitures, peril of life, humiliation, and loss. Rebellion must be always a game of desperation; and he is no patriot who can meanly crave indemnity from the people he sought to overthrow, for losses which were the natural consequence of the game he challenged. Having thus briefly and in general terms stated the circumstances which, being all combined, would justify rebellion, I deny the existence of them, or any one of them, as applicable to Lower Canada. This Province especially has always been a country free-- emphatically free,--from those hardships, whether social and political, which have always borne upon the masses of the countries of Europe, and which bore upon the other colonies of this continent; and, indeed, if there were social wrongs incident to a tenure which existed before the Province belonged to England, those wrongs pressed upon a portion of the people who were opposed to insurrection, and who stoutly and resolutely rose to suppress it. In Lower Canada, up to the time of the rebellion, no direct tax or impost of any kind was paid by the people. The revenue which paid its civil administration was raised chiefly by imposts at its shipping ports, and a very small part of this was levied of the habitant, because he used but few commodities upon which it was imposed. England paid its military establishments, the laws were fairly administered, and person and property were secure. The peasant had always been considered the most happy, and most light-hearted, and the most single-minded peasant on earth. There was less crime in the country than in any other whose criminal statistics are known<sup>87</sup> at least before the Union--(hear, hear.)<sup>88</sup> There was a feudal tenure, galling perhaps to men of British origin, but not a grievance of which the French population complained.--There were tithes: but these were paid to a clergy worthy of their calling, and beloved by their flocks. If, indeed, the tenure of the feudal ages, if the tithe of primitive times, had become offensive, we could have sympathized with the sufferer, and understood why he sought a change. But, strange to say, neither the base tenure nor the tithes were even spoken of as causes of complaint. (Hear.)--<sup>89</sup> The only persons who had any cause to complain of the tenure were those who were desirous of maintaining the existing institutions; the difficulties did not arise from the grievances which existed, but from the difference of race<sup>90</sup>. Not one peasant had a personal grievance, not one in ten could explain what his leader aimed at, but he had been told, that the stranger was dominant over his feudal Lord and over his race, who in right of proscription or in right of something as impalpable as air ought to rule the country, and be in a position to maintain the simplicity of ancient times, by thwarting and opposing the progress of the Saxon race. To crown the anomaly, the very people who really had anything to complain of--the people to whom the tenure, and its incidents were galling, and who chiefly paid the imposts, were the people who strenuously opposed the movement. In the meantime the English Government was using every effort to conciliate

the prejudices opposed to its policy.<sup>91</sup> They conceded one thing after another to them, but without succeeding in conciliating a party of men who did not know what they wanted,<sup>92</sup> each succeeding offer was repelled, with the pettishness of spoiled children, crying because they would, and not knowing for what they were crying. I have looked, without success, for one cause to excite positive discontent, and in vain I have looked for even a pretence for rebellion. But assume for a moment that cause existed, which to the fullest extent justified rebellion. Was there any reasonable hope of success?<sup>93</sup> How did the country stand at that time?<sup>94</sup> I have shown, that the men whom the existing institutions injured, were opposed to the movement, and had signified in a tone not to be misunderstood, their determination to oppose it, at every hazard. These men, more than nine tenths of the Saxon race of the Province, were not easily led astray, because every one considered himself as capable of forming an opinion. The whole power of England, her principle, her pride, and her honor were staked against the movement. Her authority had been set at defiance, her troops murdered by her subjects--and she had subjects to protect, and in that protection by immemorial usage, her treasure and her best blood were pledged. Where was the chance even, of success? But under these circumstances, certain leaders, whom I need not point at, one of whom, the very chief, has not, in forty years of political life, originated one substantial measure of political utility, supposed (for it was as visionary as their grievances) that they had fanned the sacred fire of patriotism into flames in their own bosoms, and in the heads of their deluded followers; and they resolve, and in solemn mockery pronounce the pledges sacred to a holier occasion, that they would peril life, honor, fortune all, to their country!<sup>95</sup> To the removal of the grievances which they represented the country labored under.<sup>96</sup> At this time, be it remembered, no blood had been shed, either by judicial sentence, or military power, for a political offence. The standard is raised, to set at defiance, and overthrow the authority of the British crown. Bands of men are publicly (sic) trained--organizations are formed, styling themselves the "sons of liberty." To a question fairly put, by the head of the Government to the chief, as to his intentions on a memorable occasion a reply unparalleled for insolence is given. After these things have been going on for some time, but not till forbearance is outraged; warrants are issued against the leaders of the movement, they have left their usual places of abode, and intrenched themselves, surrounded by armed forces.<sup>97</sup> The civil authorities could not execute the warrants; troops were sent to aid them<sup>98</sup>. The first victim, a British Officer,<sup>99</sup> travelling alone,<sup>100</sup> and offering no resistance is made prisoner, he is pinioned like a savage--at such wanton treatment he naturally becomes apprehensive, and in the agony of trying to escape is barbarously murdered,<sup>101</sup> his body literally mangled and cut to pieces. He acquitted the hon. member for Richelieu for any blame for that transaction, because he knew that it was done contrary to his desire; but he should not have inflamed the minds of the peasantry to such a pitch as to render them capable of committing such an outrage. The troops advanced,<sup>102</sup> but in and only, at the time of the civil authority, to make the arrests--the advance file is fired upon by the insurgents, one falls mortally wounded. A conflict commences, the leaders<sup>103</sup> who were the only persons who had any object to gain,<sup>104</sup> flee, and he the most



manly of the whole,<sup>105</sup> who stood up by his followers,<sup>106</sup> is excluded by a provision in the resolution, while the most dastardly and the most guilty are to be indemnified<sup>107</sup> although he was the only man who should be paid.<sup>108</sup> Other risings at other places about the same time shared the same fate. But blood had been shed, and men were in a state of frenzy; and injuries and wrongs were perpetrated, ruinous losses, and sufferings and intense misery, were doubtless the consequences of this state of things.--The infliction could not be measured by sober judgment, because the channels through which it had been administered were closed. No one knew perfectly the extent of the insurrection, nor the spirit with which resistance would be maintained. It is true, that now we know how little would have sufficed, but this is no argument for declaring how little then would have been sufficient to reduce to subjection the spirit of rebellion. The leaders had boasted that the whole country were in arms; if it were true, and there was reason to believe the boast, why should not the home of him, who had deserted it to make desolate the home of his fellow-subject, share the very desolation which he himself had deliberately determined? If he become the spoiler, why should he complain of being the despoiled? But for losses incurred in the manner I have described, we are called upon to vote £100,000.<sup>109</sup> The hon. members opposite called upon them to pay all the losses which had been sustained, and ... the members on his (Mr. W.'s) side of the House had paved the way for this measure; it ill became those who had condemned every other proceeding of the late Ministry, to base their present proceeding upon one of their acts<sup>110</sup>. We were first called upon to pay just losses, but we soon discovered that every loss was deemed just which had taken place, except in the very heat of battle. Then the losses of those who had, on their own confession, been sent to Bermuda, were excepted. With this exception, however, all losses are to be paid. I have already declared my willingness to pay promptly all losses sustained by every one who did not assist or abet rebellion. But this was negatived, and we now understand precisely what losses are to be paid. And I would ask any gentleman to point out an instance in ancient or modern times to warrant this proceeding? I would ask him to show me on what principle he can vote indemnity for the inevitable consequences of the commission of the highest social crime? I would ask him if the proviso itself which has been introduced, does not recognise the very distinction I have made--does not preclude the guilty? I am for paying every just loss, but his cannot be just who was engaged in such a rebellion, or who aided, assisted, or abetted that rebellion. I would exclude a large class of the losses sought to be paid on this occasion, on every principle of expediency and good government I would exclude them. Without any wider distinction than I have made, I would pay every other loss, and call it just, although I did pay suspicious or doubtful claims. I am for paying these losses out of the consolidated revenue fund--out of all Canada, for I cannot recognize imaginary boundaries in the line of right, or expediency in making invidious distinctions. In proposing and advocating the amendment I have had the honor to make, I trust I have drawn a distinction which will meet the approval of thinking men, and will show that the opposition I have made to this measure, is an opposition warranted in principle.<sup>111</sup>

DR. NELSON made some remarks about the death of Lieutenant Weir. Nothing had occasioned him so much grief as that event.<sup>112</sup> He had always

treated Lieut. Weir, and all the other prisoners who fell into his hands, with the utmost kindness, as several of the soldiers left wounded at St. Denis could testify.<sup>113</sup> Lieutenant Weir was brought to his house, cold and shivering, and he treated him with every attention and courtesy, he offered him food, but he did not partake of any; he appeared to be very much agitated; he (Dr. N.) told him that he need fear nothing, he would be courteously treated by him. He (Dr. N.) left his house at noon that day, and did not return until five in the evening; and just a little before he reached home he was told of what had occurred. They told him that they were taking Lieutenant Weir to the camp at St. Charles, and that while on the way he had attempted to make his escape, when his death occurred.<sup>114</sup>

MR. AT. GEN. BALDWIN said, it was impossible, after all the debate that had taken place, that he could throw any light upon the question, and would therefore be very brief. The members opposite seemed to think that he had some reasons for not having spoken before that time on the question.<sup>115</sup> That was not the fact; and had the debate taken another turn,<sup>116</sup> he would probably have risen at an earlier moment if he had not been forestalled by other members<sup>117</sup>. But instead of the hon. member for Montreal being allowed to explain the measure, the opposition was at once begun by moving the postponement, during the discussion of which no opportunity occurred for explanation; and the only course for his hon. friend was to await his time, for it was not by tategorical (sic) questions from one side of the House to the other that a measure of this kind could be conveniently opened. As had been already stated, this measure was one which the present Administration found in a certain state of forwardness when they were called to the councils of the Sovereign. There were, of course, several questions involved in it--First, as to the class of persons to be embraced by it. Now, he said distinctly, that it was never intended to pay persons who had been in arms against the Queen's authority,<sup>118</sup> (hear, hear,)<sup>119</sup> no more than it had been in the intention of hon. gentlemen opposite in introducing their measure. But when it came to the point of putting this resolution into practice, a variety of questions arose, all of which would doubtless give rise to what would be called heard cases.--Some property was destroyed in resisting the Queen's forces. Now, it was never contemplated to reimburse the owners of property lost in that manner. Then there was property destroyed, not actually in the act of resistance, but of which the proprietors were bona fide in arms against the Queen's authority. Now, it was never intended to pay losses such as these. Nor did he believe that hon. gentlemen opposite intended to pay them. But what were the terms used by the Administration? The very same employed by those hon. gentlemen themselves. And now he asked what fairness there was in putting on the present Resolutions an interpretation which in their own case they entirely repudiated? Was this candid to those who were obliged to carry out the measure, which hon. gentlemen opposite had most unnecessarily left unfinished? Why did those hon. gentlemen themselves shrink from the performance of a duty, which they had recognized by the issue of their Commission? Why, when dealing with Upper Canada, did they not deal with the entire subject, instead of leaving it ((to)) their successors? And now, when these successors, pledged by the vote of the House proposed by the late Ministry, but unanimously carried by all sides of the House--when they merely attempted to fulfil this pledge, he asked with what candour hon. gentlemen opposite could offer any objection? It was

not proposed to pay the losses of persons who were actually in arms; but it was obvious that when the line was once passed where the evidence of the Courts indicated the persons who were to be considered guilty--when that line was passed, the persons making the investigation would be embarked on a sea of difficulty, where they would be compelled not only to enquire into the actions of parties really engaged in arms, but into those of every man who might attempt to substantiate a claim. Was it not the soundest policy to endeavour to present that only a small portion of the community, a mere handful of the people, were engaged in those troubles, and took up arms against their Sovereign? But if they took this course their object would be to multiply the number of persons in the rebellion, and lead the public and their Sovereign to believe it; it would be entirely inconsistent with the Act of Amnesty which Her Majesty had been graciously pleased to send down, and which had been unanimously adopted by both Houses of Parliament. He agreed entirely with his hon. friend from Norfolk, that after such an Act of Amnesty, it would be disgraceful to Her Majesty, and an outrage on the man seeking compensation, to inquire what part he took at the time of the troubles. Now, not only would it have been impolite, unjust, and disrespectful to Her Majesty's Act of Amnesty to have gone further than the terms introduced into these resolutions, but taking the precedent set by the hon. member for Essex in his bill introduced into the Parliament of Upper Canada, and subsequently confirmed by the Parliament of United Canada in 1841,--take the Act of the 1st Vict., cap. 13, in that Act there were no such terms as those, the absence of which was complained of in these resolutions,--take 3rd Vict., cap. 76, the terms of that Act were still more general, and there was nothing in it to prevent persons who had taken up arms being indemnified for the property they had lost. An hon. member opposite said that their Act was only for the payment of just losses, but the resolutions now proposed were precisely the same as those proposed by the late Administration: indemnification was to be given for property wantonly and unnecessarily destroyed by Her Majesty's troops and volunteers. When that amendment was proposed in 1841, how was it met by the hon. member for Essex? That hon. gentleman had then said that the Upper Canada Act had made provision for the destruction occasioned by the Queen's troops and the loyalists. Therefore, it would appear distinctly, that the present Ministry followed the exact course pursued with respect to the Upper Canadian losses. He trusted that he had shewn that they could not do otherwise, politically, or in point of justice, that they had followed legislative precedent, and also the very terms of hon. gentlemen opposite--terms not hastily used by them, for it would appear that there had been a doubt on the minds of their Commissioners, and they appeared to have exercised the utmost care, for they intended to hold out a public delusion--a semblance of promises which they never meant to fulfil. That was the only construction that could be put on the conduct of the hon. gentlemen opposite by some persons; but he was disposed to give them credit for a little candour, and to believe that they did intend to act up to their promise and indemnify all but those who had been convicted for treason. They were placed on the horns of a dilemma, and he thought would be obliged to admit that he and his friends were justified in the terms they had made use of in the debate. There was no other course open, either in property or in policy. He would next refer to the case of the Bermuda exiles. Hon. gentlemen would remember that the



ordinance under which they were transported was decidedly illegal, and therefore these exiles could not be put on the same footing as parties who had been convicted by Courts Martial, the sentences of the latter not being yet reversed; but when the position in which those men placed themselves was considered, placing themselves completely at the disposal of Her Majesty, he thought the principle contained in the resolution of his hon. friend was applicable to them, and therefore in acquiescing in the amendment of the hon. member of Norfolk, the Government would act in strict accordance with the requirements of justice, and he would further say that amendment contained nothing new in it, as it merely carried out the principle avowed by the Government.<sup>120</sup> He read extracts from the Upper Canada Acts and<sup>121</sup> contended then that in the course pursued by the Ministry they had closely followed the precedents of preceding Parliaments. In the Act--the first of Victoria--there was nothing to exclude any person whatever whose property was destroyed, from claiming compensation; and the Act of the third Victoria was even still less stringent, and he thought that the hon. and gallant Knight was at that time disposed to favour the payment of those very losses now under the consideration of the House.<sup>122</sup>

SIR A. MACNAB did not see how the hon. member could prove that.<sup>123</sup>

MR. AT. GEN. BALDWIN was sorry that the hon. member had a bad memory, but if he would refer to the debates of 1841, he would find that he was not at all indisposed to the payment of the Lower Canadian losses, and perhaps the reason of it was, that the hon. gentleman was just then fishing for a little support from that quarter. All the anxiety manifested by the hon. gentleman was, that the £40,000 proposed for the payment of the Upper Canada claims should not be interfered with. There was another circumstance which occurred at that time--the House having gone into Committee on the 23rd of July--which he would refer to. An attempt was made by the then factious member for Carleton to include the claim of the owners of the Sir Robert Peel, on account of some circumstance which had come to his knowledge, but on that he had been opposed by the hon. member for Essex and himself (Mr. Baldwin.) He opposed it on the ground that the House had a right to expect the Commissioners would perform their duties faithfully and impartially. He stated that to show that he was acting consistently in making no exceptions, but leaving to the faithfulness of the Commissioners the classification of several parties. On those demands he asserted that the course pursued by the Government was both just and polite, and perfectly consistent with the precedents of preceding Parliaments, and characterized by a close adherence even to the very terms used by hon. gentlemen opposite. In fact, the hon. member for Sherbrooke, in his concluding remarks, had admitted all that he contended for, in saying, that if good Commissioners were appointed, there could not be such objection to the proposition. There had been so much said on the next branch of the subject, that he could not pass it over altogether. Hon. members on the other side had at length admitted that a large portion of these claims ought to be paid, and one of them, the hon. member for London, admitted that they ought to be paid out of the Consolidated fund. He did not wonder at the hon. gentleman arriving at that conclusion, for it must be evident to every one not blinded by prejudice, and a desire to make political capital out of this question, that it was the only way of paying those losses. But it would be necessary to refer to the proceedings in Parliament

of a former date in order to show this fully.--It would be remembered, that when he had held office last, the Government was much pressed by the hon. member for Essex, who desired to know when these losses would be paid. The reply invariably received was, that the Government had not the control of sufficient funds for that purpose; and a motion was made by the hon. member for Toronto for the appointment of a Committee to devise some means of obtaining the necessary funds by local taxation. The committee was appointed and met, but from that day to the present, never presented their report, so that the project did not appear to be very feasible. It was very true that the last Administration said that they paid the Upper Canada losses out of the local revenue. They took certain classes of revenue which they, by an abuse of terms, termed Upper and Lower Canadian and alienating what they were pleased to term Upper Canadian funds from the Consolidated fund, assert that they paid the Upper Canada losses out of a local fund, and called upon him and his hon. friends to act in a similar manner. All he would say was that it was a scandalous and wasteful application of the funds of the Province, for hon. members would see that in order to pay £70,000 it would be necessary to alienate just double that amount in consequence of the necessity of surrendering an equal amount of Upper Canada.--He repeated that it was a wasteful system, and he would be no party to it. With regard to the sectional view of the question, he would merely remark that the difference between the amount alienated from the general revenue, composed of the Marriage License and Tavern License funds, when compared with the sum yielded by the same sources in the Lower Province, is so much in favor of Upper Canada that all equality on that head is out of the question,--in fact, the addition of a few pounds to the Upper Canada funds derived from those two sources would be quite sufficient to pay the whole amount required by the Ministry; and if hon. gentlemen would consider it in that light, that it is no more than what is due to Lower Canada to pay those claims, after they have been paid in Upper Canada, he thought they could not deny the justness of the proposition. With regard to the motion of his hon. friend from Quebec, to recommit the resolutions, he would point out to him that there was nothing in the resolutions which referred to the tribunals in which the convictions were recorded; therefore, if in point of law any conviction was recorded or, in other words, delivered by an illegal Court, it could not interfere with the resolutions before the House; and, further, that an act of Parliament in those terms never could be quoted as a recognition of such tribunals. In conclusion, he would say that he regretted that he had occupied so much of the time of the House, but he thought it necessary to explain his views on some points; and as the question had been already debated at great length, he hoped hon. gentlemen would not unnecessarily prolong it.<sup>124</sup>

MR. CAYLEY<sup>125</sup> said, that no one could have witnessed the violence and acrimony which had marked the debate on that question for the last fortnight, and determined efforts which had been made on both sides of the House, to throw off the charge of having originated the measure, without being satisfied that there was a general feeling that the proceeding, if carried through according to the intentions of Ministers, would fix a lasting stain on the country. It was clearly under that impression that the members of the Government and their supporters, all indeed who had spoken on that side of the house, had directed their entire efforts to wring a meaning out of a particular passage in the instructions of the Commissioners, to

suit their purpose, and to fix the intention of paying the Rebels on the Conservatives. Any such intention had always been distinctly disavowed by the late Administration, and they were prepared to rest their defence on the very acts which the hon. Attorney-General West had quoted as bearing against them. The hon. member had endeavoured to show that the Acts I Vic. cap. 13, and 3 Vic. cap. 76, did not exclude Rebels from receiving compensation for their losses, and while he admitted that the late Administration did not intend, either by the Address of 1845 or by the instructions to the Commissioners, to pay the Rebels, the hon. member contended that, by adopting the terms of the Acts he had quoted, the late Administration had not excluded them; now he (Mr. C.) would read the passages referred to, and leave the house to judge whether the inference drawn by the hon. Attorney-General was correct. I Vic., cap. 13, declared that, "Whereas, during the late unnatural Rebellion, certain inhabitants of this Province sustained much loss and damage by the destruction of their dwellings and other buildings by the Rebels, &c., it shall and may be lawful for the Lieutenant-Governor of this Province, from time to time, by Commissioners, to enquire into the losses so sustained by Her Majesty's subjects during the late unnatural Rebellion. Again, the preamble of 3 vic., cap. 76, declared, "Whereas, during the late unnatural Rebellion, &c., divers inhabitants of this Province sustained so much loss and damage by the destruction of their dwellings and other buildings and property, and by the seizure and carrying away of their property by the Rebels and invaders and otherwise, and whereas others of the said inhabitants essentially contributed to the effectual defence of the Province by capturing many of the Rebels and invaders, &c., and by performing many important services, in various ways, for which they have not hitherto been paid nor satisfied, and their claims and demands are still outstanding; and whereas, it is just and expedient that all such claims and demands should be paid and satisfied, after the same have been ascertained in the manner hereinafter provided." It might be good special pleading to contend that the Rebels were not by name excluded, and that consequently they were entitled to be paid for the losses they had occasioned; but would any other than a special pleader contend for such a point? nay, more, had a single Rebel in Upper Canada been paid under or by virtue of those acts? He (Mr. C.) would also refer to the course of the late administration in '37, when, so far from truckling to hon. members to gain their support, they had openly and pointedly rejected that support when it was made dependent on the compromise of the position they had ever maintained, that they never would consent to recompense rebellion. Had the present Government, with all their boasted strength, shown the same independence, the same consistency? They had repeatedly stated to the house, and the Inspector-General had asserted it in his Circular, that the measure was forced upon them by their predecessors. The reasons why they felt bound to follow in the supposed track of their predecessors, had not been given, and their practice and arguments, in every other instance, gave a flat contradiction to the existence of any such obligation or necessity. They had declared the former Administration weak, corrupt, and injurious to the country, and that they, the present Government, had been returned by the country to arrest the progress of the mischief, to counteract its ill effects, and show what good government really was. With these expressions on their lips, the very first important step they took in the Session was to introduce a measure which they did not



attempt to justify, otherwise than by charging it on their predecessors, and to make their position, if possible, more absurd, after introducing their Resolutions, thus pretended to be forced upon them by their predecessors, drawn up in strict accordance with the instructions as they contended, given to the Commissioners, from which they could not deviate, they all at once veered round, adopted an amendment introduced by one of their pliant followers, and abandoned the very classification by which they had professed to be so very rigidly bound. Now while he contended that the coercion did not come from that side of the house, he admitted that coercion did exist, and had existed for a length of time, and that Ministers had been committed to that course months and years before. He believed, and had stated so on a former occasion, that at the time when negotiations were carried on, at the suggestion of the present Governor-General, to form a Union between the French Canadians and the late Administration, a compact had been formed between the Reformers of Upper Canada and the French, based on the scheme then before the house, to secure their access to power.--He had also, on that occasion, stated his conviction that the measure before them was but a part of the treaty by which the interests of the country had been bartered away--that Mr. Attorney-General East had promised to make a demand on the Chest of £50,000 more for Lower Canada, as soon as the means could be found--that the Protestant Institutions of Lower Canada then deriving aid from the Jesuit Estate Fund would be struck off--that the payment of criminal justice in Upper Canada would be struck off the Consolidated Revenue Fund--that the Representation scheme was concocted mainly with the view to strengthen the French in Lower Canada, by altering the existing proportions of 33 French, and 9 English Constituencies, to 63 French, and 12 English Constituencies. With reference to the financial part of the scheme, he would not detain the house. The administration appeared to have taken up three (sic) grounds for charging the expense on the general Revenues: that there was no available local fund in Lower Canada; and, lastly, that at the time of the Union, Upper Canada having been in debt to Lower Canada, that it was but an act of justice that she should bear the burden about to be imposed upon her. In reference to the first point, no one attempted to deny that the Tavern License dues, collected in each section of the Province, had been handed over to each section for local purposes, and that the Upper Canada portion, alone, had been charged with the payment of the Upper Canada claims; but it was contended, by hon. gentlemen opposite, and so stated by Mr. Hincks in his circular, that the amounts collected in the two sections, under the Tavern License Tax, were unequal, were larger in Upper than Lower Canada, and, consequently, that the alienation of that particular source of Revenue was an act of justice to Lower Canada, and that the difference, the advantage which Upper Canada received, according to the hon. Attorney-General West, was sufficient to balance the demand now made. Were the hon. gentlemen opposite aware of what made that difference? Now that Upper Canada was more populous than Lower Canada; that her cities and towns were larger and wealthier; but because the tax, levied on the people of Upper Canada was heavier than the tax imposed in Lower Canada; while the latter paid £4 for the highest Tavern License, Upper Canada paid £10. Was that a just mode of taxing, as between the Eastern and Western section? and was it not the very tax of all others of be struck off the Consolidated Revenue Fund because of its unequal bearing? So again with the Marriage Licenses, which

were paid by three-fourths of Upper Canada, while not a tenth of the population of Lower Canada, all Roman Catholics being exempt, was liable to it. It had been stated that Lower Canada had no available fund. Let the Tavern Licenses be raised from £4 to £8, the average of Upper Canada, and the difference would pay the interest of the Debentures about to be issued. The last point to which he would refer, was the claim which Lower Canada made on Upper Canada, in consequence of the debt the former assumed at the time of the Union. Mr. Merritt, the President of the council, had stated that debt to be £250,000, which he called local expenditure, after charging the expenditure for the improvement of rivers, harbours, and canals to the general account of the two Provinces; incurred for their mutual benefit. To this classification, he (Mr. Cayley) had no objection, nor to the amount of advantage £250,000, stated by the hon. President of the Council to have been received by Upper Canada at the time of the Union, but he had every objection to the reasoning with which that hon. gentleman followed up that statement. The hon. member had stated, that at the time of the Union the Revenue of the two Provinces was divided into thirds, one portion being allotted to Upper Canada, and two to Lower; that that division had been considered "unjust to Upper Canada, inasmuch as her imports exceeded those of Lower Canada," at the same time that disinterested arbitrators had thought differently; that the hon. Ward Chipman, from New Brunswick, had been called in as umpire, and, assuming population for the basis, had assigned those proportions to the two Provinces respectively. He (Mr. Cayley) contended that this was very much like allowing the bees to make the honey and then compelling them to divide it with the drones. But going back to the fact, as stated by the President of the Council, that the debt of Upper Canada to Lower, or rather that the advantage that Upper Canada had at the time of the Union, was £250,000, how stood the balance then in 1849? Thus, while the local expenditures on roads, &c., had since been carried on nearly pari passu in each section of the Province, Lower Canada had received upwards of £100,000 for the expenses of the administration of Justice, above the allowance made to Upper Canada; that £100,000 had been loaned to Quebec to repair the damage done to that city by fire, exclusive of a grant of £17,000; and that upwards of £100,000 had been expended in Lower Canada for schools, education, and charitable institutions, above any amount for similar purposes paid to Upper Canada; making a total of £350,000 paid to Lower Canada, to balance the sum of £250,000 expended by Upper Canada for local surposes (sic).

It had been remarked, he believed by the hon. Inspector-General, that the amount paid to Quebec was a loan, and consequently should not be included; so were all advances, made for roads in Upper Canada, loans, and the revenues derived from them collected by Government Officers, and paid into the Provincial Chest. In both instances, the expenditure was local, and therefore, according to the classification adopted by the President of the Council, not chargeable to the general account. Again, it had been objected that while the allowance of school moneys to Lower Canada had been larger than to Upper Canada, the population was greater. That was true, but while every year had shown a decreasing difference in the respective numbers of the two Provinces, and although the census lately taken had shown that the population at the present time, was nearly equal, the allowance to Lower Canada had been continued unaltered, and, for anything that was shown to the contrary, might continue unchanged for years to come. He

should be prepared to move his amendment so soon as the question should be put from the chair.<sup>126</sup>

M. LAURIN.--La discussion sur ce sujet a été assez prolongée. Néanmoins je crois devoir donner les raisons qui m'ont engagé à seconder la motion d'amendement de l'hon. membre pour le comté de Québec. Malgré les remarques des hons. membres de l'administration pour justifier leurs votes, je considère que voter pour l'amendement de l'hon. membre pour le comté de Norfolk, c'est approuver de sanctionner les décrêts de la cour martiale, puisque, par ce vote nous devons priver de l'indemnité, ceux qui ont été faussement condamnés par ce tribunal. L'hon. membre pour Norfolk, par son amendement, nous propose de priver de l'indemnité ceux qui ont bien voulu se reconnaître coupables de haute-trahison, qui se sont soumis au bon plaisir de Sa Majesté et qui en conséquence ont été transportés hors de leur pays.

Si l'hon. membre pour Richelieu avait consulté ses amis avant d'en venir à une pareille détermination sur cet amendement, j'aurais peut-être voté pour le proviso, mais lorsque, sans qu'il les ait consultés, nous sommes appelés à voter une résolution qui propose de priver de l'indemnité, tous ceux qui ont été convaincus de haute-trahison, je ne suis pas prêt à lui prêter mon appui. Je crois que ça serait appuyer les décisions d'une cour illégale. J'aurais voulu voir ici l'hon. membre pour le comté de Richelieu. Sa conduite actuelle me semble ne pas se concilier avec sa conduite d'autrefois. Il nous a dit qu'il ne s'était déclaré coupable de haute-trahison que pour l'intérêt de ses compatriotes, mais que dans le fait il n'était pas coupable. Pourtant, il vient aujourd'hui seconder un amendement qui tend à dire qu'il se reconnaît comme ayant participé au crime de haute-trahison. Je crois que c'est là une contradiction dans laquelle il n'aurait jamais dû tomber, comme il l'a fait en secondant un tel proviso. Je voterai donc, M. l'orateur, comme j'ai voté dans le comité de la Chambre, contre le proviso de l'hon. membre pour Norfolk, parce qu'il nous invite à sanctionner, et même justifier les jugements atroces et barbares de la cour martiale. Voilà les raisons pour lesquelles je seconde la motion de l'hon. membre pour Québec et pour lesquelles je crois devoir le supporter.<sup>127</sup>

DR. LATERRIERE.--Il est certain que cette Chambre a subi une rude bataille<sup>128</sup> for eighteen days.<sup>129</sup> Nous n'en avons peut-être pas à supporter d'aussi rude et roulant sur un sujet aussi important dans tout ce parlement. J'ai cru un moment qu'une révolution non moins pénible que celle dont on a tant parlé allait avoir lieu entre les membres. Les mêmes éléments et les mêmes causes s'y sont fait remarquer. Les canons ont tiré et paraissent être silencieux. Seraient-ils au bout de leurs munitions? Les batteries de toute espèce ont été mises en action pendant des journées entières, et maintenant qu'elles semblent vouloir se reposer un instant, que leurs voix sonores viennent de cesser de gronder, j'espère que pour faire diversion aux discussions les plus virulentes, il me sera permis de faire un peu usage de l'allégorie.

Il faut que l'allégorie fasse partie des frais de cette discussion, ou autrement ce serait extrêmement et souverainement ennuyant; ce serait à n'y plus tenir.



Eh bien! suivant moi, la cause de tous ces troubles, ça été<sup>130</sup> Lord Gosford<sup>131</sup> un bon homme, un bon gouverneur, mais faible, un espèce de Louis XVI qui en voulant faire le bien a fait tout le mal, car il n'était pas à la hauteur de sa mission.

Devait-il permettre, devait-il se laisser insulter, insulter tout le pays par les hommes du doric club? Non. Eh bien, à cette-époque, c'était le doric club qui voulait gouverner, comme il le voudrait encore aujourd'hui en insultant tout le monde, en faisant une agitation intempestive militairement dans les rues.

Que devaient faire les canadiens-français pour se protéger et repousser les avancées, les insultes journalières de tous ces jeunes fanfarons?

S'organiser semblablement, comme s'organisèrent en effet les enfants de la liberté.

Le gouvernement colonial dormait, malgré ces signes précurseurs de la tempête.

Voilà en peu de mots la cause des troubles en '37.

Que fallait-il faire pour les arrêter? Cinq à six arrestations de ces perturbateurs publics. Les a-t-on arrêtés? Non. Or, à qui la faute des troubles? Au gouverneur de la colonie.

Les ennemis des canadiens, ces enfants gâtés d'Albion intéressés à les faire compromettre plus en plus, (car c'était un plan bien arrêté comme savent en imaginer les bretons) continuèrent leur provocation. Ce qui s'en est suivi a été dit et cent fois dit dans cette Chambre.

On a omis de dire seulement que lord Durham aurait dit qu'à la place des canadiens ainsi maltraités, il en aurait fait autant et beaucoup plus probablement. C'est un nom qui n'est pas suspect.

Mais ce que l'on a pas dit, c'est que cet imprévoyant gouverneur sir Gosford, au lieu de convoquer le parlement, consulter le pays, suspendit au contraire la constitution et déclara la loi martiale.

Pouvait-il avoir recours à des moyens plus inflammatoires? aussi de grands malheurs sont arrivés, ça pouvait-il être autrement.

C'est alors que l'on fit sonner haut sa loyauté, que des bandes de volontaires plus fortes pour le mal que le gouvernement pour le bien qui avait peur, s'organisèrent. Tout ce monde était payé pour brûler, ravager les campagnes au nom improvisé de ce gouvernement militaire et sanguinaire. De paisibles citoyens arrêtés et emprisonnés sans distinctions, par centaines tous les jours, tyrannisés, exportés et même pendus sous de criminelles et spécieuses formalités. A-t-on jamais vu les tribunaux de la terreur en France se prononcer avec plus de fureur?

Peut-on croire aujourd'hui, peut-on un seul instant penser que si les canadiens eussent été en rébellion sérieuse, que le seul district de Montréal n'eut point pu faire disparaître en un seul déjeuner à la fourchette tous ces formidables loyaux, qu'une poignée de gens égarés à St.-Charles, avec des canons de bois, ont tenu en échec.

Que ces messieurs votent pour cet acte d'indemnité et de plus, des actions de grâce à la providence si la rébellion, que le parti auquel ils appartiennent a seul soulevé, n'a pas eu pour eux les suites qu'elle aurait eue, si cent mille canadiens compris dans leur accusation de rébellion, se fussent soulevés en masse pour étouffer leurs oppresseurs et ceux qui les accusent aujourd'hui.

Aurait-il été possible alors avec deux ou trois mille soldats et

Le germe, l'embryon d'une indemnité en faveur de Bas-Canada par le précédent ministère a été par lui un semblant de conception, un travail monstre; cela se conçoit maintenant. Ce monstre, comme ses auteurs le qualifient à présent, sans exemple dans les annales politiques et historiques de l'univers civilisé, ce monstre dont s'est trouvé embarrassée la présente administration par titre d'héritage, après 18 mois de gestion, (le terme qui cadre avec cette monstruosité à la suite d'un travail de huit jours, d'un accouchement des plus laborieux, est enfin venu au monde au milieu des plus violentes et des convulsions les plus prolongées, grâce à la prudence, à la persévérance du médecin opérateur, du père de ce pauvre enfant et de ses assistants collègues et autres, malgré la détermination diabolique de ses véritables auteurs qui ont voulu l'étouffer, ne voulant point le reconnaître.

Qu'il s'en soit suivi de la part des suborneurs de cette pauvre province qui croyaient n'avoir déposé dans son sein qu'un être qui ne devait point voir le jour, qu'un avorton par excellence; qu'il s'en soit suivi, dis-je, une explosion épileptique de surprise inexprimable, cela se conçoit....mais ce ne sont plus les hauts cris, la démonstration pratiquée de leur loyauté sous les plus vilaines grimaces qui changeront la nature de l'enfant qui leur appartient et pour lequel il faut qu'il paie.

A-t-on jamais vu une aussi mauvaise foi conjugale? après avoir promis, ruiné par leurs extravagances, l'héritage de leur fiancée, ils se mettent aujourd'hui à la torture pour la perdre dans l'opinion publique, pour ternir sa réputation de vierge de vierges. A l'instar de tous les roués, de tous les coureurs de bonne fortune, sans coeur et sans entrailles, ils osent la menacer même d'un divorce prochain pour se jeter dans les bras de sa coquette voisine, et se débarrasser par cette nouvelle union des dettes dont la bonne femme John Bull nous a rendu responsables solidai-  
rement par ce mariage monstrueux d'intérêt en faveur de ses enfants gâtés, de ses petits taureaux.

Mais ce n'est pas tout d'avoir mis cet enfant répudié au jour, avec la petite anicroche du savant Dr. de Norfolk, l'heure de son baptême est arrivé, et il faut espérer que cette dernière opération ne sera pas aussi longue que la première.

Mais laissons-là l'allégorie, puisque ces messieurs n'entendent point le badinage. Parlons des 100 mille louis, c'est là véritablement la question. Oh! mais ce ne serait qu'une bagatelle, si ces misérables antagonistes voulaient simplement leur céder leurs places. Foi de tories, ils auraient leur 100 mille louis et seraient les plus loyaux sujets de l'empire britannique.

Le pouvoir a tant de charmes malgré ses épines, que ce n'est pas surprenant, tout à l'agonie sur cette question que sont ces messieurs, s'ils reviennent encore à la charge pour le ressaisir.

Ils ont certainement essayé de tirer de cette question tout le parti qu'ils pouvaient espérer d'en obtenir; le renversement du présent ministère, mais c'est en vain, l'heure de la justice est arrivée.

Ce serait une tâche au-dessus des (sic) mes forces que de vouloir faire un résumé de tout ce qui a été dit.

Je vais essayer seulement de signaler la vraie cause des troubles que l'on paraît avoir éludé de mentionner, soit que l'on envisage la chose autrement.



volontaires de supprimer une insurrection qui aurait pu éclater sur tous les points de la province?

Les soldats que l'on envoyait de la Nouvelle-Ecosse, qui arrivaient à moitié morts de fatigue, de misère et de froid dans les campagnes les plus populeuses du district de Québec, où il aurait été si facile de les massacrer; n'en recevaient-ils pas au contraire la plus noble et charitable hospitalité. Se seraient-ils jamais rendu jusqu'ici, si les canadiens ne se fussent pas montrés loyaux à toute épreuve?

Les canadiens en 1775 et surtout en 1812, n'ont-ils fait preuve en sauvant deux fois la province, de ce qu'ils auraient pu faire en 1837, s'ils eussent voulu l'annexion aux Etats-Unis, le plus grand malheur qui pourrait nous arriver?

C'es (sic) bien beau pour ces personnes ivres d'outrecuidances, de courir les rues, de prôner ce qu'elles ont fait en 1837 et de nous apostropher de "Dam French Canadians," de méconnaître nos services quand le danger n'existe plus.

Que l'on ait encore une guerre américaine et l'on verra si toute cette jactance, cet engin de la bête puante dont on fait ici explosion, serait de force à repousser une invasion.

Je sais qu'il entrait dans l'éducation de tous les gamins du temps de lord Castlereagh, qu'un anglais pouvait battre douze français, mais ces temps d'exagération sont passés.

Je ne parlerai pas du gouvernement spécial, je ne dirai rien non plus de l'union des deux provinces.

Je conclurai par dire que ce serait proprement au gouvernement impérial, à payer cette indemnité, puisque ce sont ses représentants ici qui ont été la cause de tous nos désastres.

J'aimerais que les 100 mille louis qui vont être ainsi dépensés et peut être ainsi gaspillés, j'aimerais mieux, dis-je, que ces 100 mille louis fussent dépensés en améliorations publiques dans le district de Québec dont on ne fait aucun cas et auquel on n'a nullement à reprocher d'avoir participé aux malheurs de 37, mais toujours ce district loyal payera sa quote part sans se plaindre, et je le dis franchement, le Haut-Canada qui a tant gagné de nos désastres involontaires, en faveur duquel le Bas-Canada a été confisqué, devrait être le dernier à se plaindre de cette mesure, mais au contraire la voter en accompte des destitutions qu'il aurait à faire sous un tout autre régime.<sup>132</sup>

SIR A. MACNAB would not have said a word that evening, but that the hon. Attorney General West had directed at him the greater part of his observations. He would say a few words in reply.<sup>133</sup> His hon. friend had endeavoured to show that his (Sir A.'s) conduct on the present occasion, was inconsistent with his conduct during the proceedings of the Legislature of 1841, on this question. The hon. member had been unable to prove that he (Sir. A.) had introduced or supported any amendment at that period for the payment of the losses of those who had aided and assisted in the rebellion or taken up arms against the Sovereign. Sir Allan then read from the Parliamentary Debates of 1841 and from the Bill then brought in for the payment of the Rebellion Losses, to prove that he had never supported any proposition except for the payment of losses incurred by the loyal portion of the inhabitants of the Province.<sup>134</sup> The hon. gentleman (Mr. Baldwin) smiled. He (Sir Allan) was glad to see him do it so sweetly. He knew well that it



was never the intention to pay others than the loyalists of Upper Canada. The hon. gentleman had done him the honor to read the beginning of his speech, but there were some remarks towards the end which he had thought better to withhold.--He read from the preamble of the Acts cited by the hon. Attorney-General West, and said, that they never could have had reference to any but loyal subjects, and that there was nothing in them to show that it was ever intended to pay the rebels of Upper Canada. If the hon. gentleman could make it appear that it was to pay rebels, he (Sir Allan) was willing to give him the full benefit of his discovery. Then with reference to the Sir R. Peel, its owners were British subjects, and it had been destroyed by pirates from the other side of the Lines, and he had been in favor of paying that loss.--The hon. gentleman had said, that he (Sir Allan) was on one occasion looking out for the support of Lower Canada; he could only say that he had always acted with those who did Lower Canada justice.<sup>135</sup> The hon. Attorney General West had complained that the hon. member for Toronto, by proposing his amendment to postpone the going into Committee for ten days, had deprived the Attorney General East of an opportunity of explaining the intentions of the Government of which he was the leader. They had also a right to expect some explanation from the Hon. Attorney General West who was the leader of the party in Upper Canada<sup>136</sup> at an earlier period of the debate because it was his influence that governed.<sup>137</sup>

MR. AT. GEN. BALDWIN.--No, no, he had no influence.<sup>138</sup>

SIR A. MACNAB had said that he had no influence in Upper Canada, but did not then wish to enter into angry debate. The hon. gentleman<sup>139</sup> had now resumed his seat without much enlightening the members of the House as to his views. With regard to the amendment before the House,--that they should go back into Committee, to reconsider the amendment of the hon. member for Norfolk,--he should oppose it. He had resisted the amendment when brought before the Committee; it had been adopted, and he could not see any good ground for re-considering it.--The hon. and gallant Knight concluded by expressing his satisfaction at the apology or explanation made by the hon. member for Norfolk relative to the language he had made use of in speaking of General Gore on a former night of the debate<sup>140</sup> ((when)) he was not in his place<sup>141</sup>. It was a serious charge to bring against an officer of high rank, that he had wantonly destroyed the property of the peaceful inhabitants of Lower Canada.<sup>142</sup> He (Sir Allan) believed Gen. Gore to be perfectly incapable of doing so.<sup>143</sup> Hon. members must bear in mind that when Gen. Gore went down to St. Denis, the first salute he received was a discharge of guns from the troops under the command of the hon. member for Richelieu, which killed several of his soldiers, and that shortly afterwards one of their officers was brutally murdered. Under such circumstances, it was hardly possible for a commanding officer to keep his men, thus incensed, in check.<sup>144</sup> He had made these remarks in justice to Gen. Gore; and he thought the course the hon. member had taken the best--to stand up, in a manly manner, and deny that he meant to make any imputation.<sup>145</sup>

DR. NELSON got up to say a word in explanation of his firing on the troops; but on cries of "spoke" and "question," he sat down.<sup>146</sup>

MR. SOL. GEN. DRUMMOND had taken no part in the debate, from having had a cold, but he would make a few remarks.<sup>147</sup> ((He)) wished to say a few words respecting the illegality of Courts Martial. When they were established, he was but a young lawyer, but he remembered the time very well. It had been stated that those who would vote for the amendment would sanction the legality of such Courts Martial, but<sup>148</sup> the assertion of the hon. member for Sherbrooke was quite in accordance with the manner in which the debate had been carried on. His hon. friend from the County of Quebec was in error, if he thought the amendment would justify Courts Martial.<sup>149</sup> There was not a single word in the amendment to give rise to such an opinion, and to show that this was the fact he would take the liberty of reading it. The hon. gentleman here read the amendment and then proceeded. Although there was nothing to give rise to such an opinion as had been stated, yet he might be allowed to say that he then maintained, and would maintain it through his whole life that the judgments of these Courts Martial were altogether illegal. The honourable gentleman then explained that the Courts Martial were established under an ordinance of the Special Council, and did not sit under the Mutiny Act. Although this had been done, he held that at that time there was really no Council in existence. There was a proclamation issued calling a Special Council, which was to meet on the 9th of November but another set of men than those named in the proclamation met on the 8th November, and passed the ordinance, whereas the proclamation had named other parties, who were not to meet till the day after the one on which those calling themselves the Special Council met in this illegal manner. The hon. gentleman then went over the exertions he had used for the purpose of setting aside the ... member for St. Maurice, who had alluded to them, and seemed to throw blame on the hon. member for Montreal (Attorney General LaFontaine) respecting this subject, was in France while they were fighting the battle and it was wrong for the hon. member for St. Maurice, who could not know what had been done, to tell them that they had shrunk from the position they had assumed. He (Mr. Drummond) ... to be remunerated. If the sentences of those Courts were to be reversed, he trusted they would be reversed in a legal manner. Let not that House take the responsibility of doing so, but let them call on the Courts of Law to reverse them, which was the only proper tribunal to do it. Were that House to reverse them it would be a dangerous precedent, and what, as far as he was concerned, he would not sanction. During the time these Courts were in existence, and when poor men stood trembling before them, and on one occasion, when two men were sentenced to be hung upon the gallows, he had applied to the Judges for a writ of prohibition; and notwithstanding the men were to be hung on the following day, the Judges rejected the application, giving as their reason that they had no precedent for granting such an application in vacation; and in consequence of such a decision, nothing could be done further to stop the execution, and the two paid the forfeit of their imprudence with their lives. Some short time after this six men were placed in a similar position, and he again determined to try and gain a writ of prohibition and wrest a decision from the Judges on the legality of these sentences. He also did all he could to defend these men, although he was told that if he appeared in the Court for such a purpose he would be sent to prison.<sup>150</sup> This threat did not come from the Judges, but from other persons.<sup>151</sup> At that juncture there was one brave man in Montreal, in the service of his country, and whom he honoured for the act. That gentleman went to the

Court, and told the magistrates that he would break his sword before their face, and trample it under his feet, if they dared to touch a gentleman who came before them to defend the persons charged, and any way obstructed him in the performance of his duty. Some of those who stood up in defence of their Sovereign were his best friends; and this gentleman, who was perhaps within the reach of his voice, was one of them, though he was not aware of this fact. He regretted to say that he had been told by General Clitherow, whose humanity as President of the Courts Martial he could not too highly praise, that the Chief Justice, who declared<sup>152</sup> as the President of the highest Court in the country, that it was an audacity to interfere with the Courts Martial,<sup>153</sup> had, while Attorney General, declared that there could be no such thing as Martial Law in the Colony. When executions were afterwards issued against the property of these people, he entered many oppositions, and for eight days he besieged the chambers of the Judges, to try to get a surses. The Judges were always waiting for one another, and he could never get them together. At length, while the Court was sitting in enquete, he called on the Judges for a decision one way or another. One of the Judges left the Bench, and went into the chamber, and there (Mr. D.) was told by two of the Judges that they would not grant the application on account of the insulting language he had used--the language being merely the common word "pretended," in speaking of the convictions. The other Judge took refuge on the Bench, as he (Mr. D.) verily believed to get rid of the responsibility of a decision. Afterwards, one of these farms was put up for sale, and then the question came up again, with the Bench differently organized. Judge Vallieres was Chief Justice; but being obliged, from ill health, to be absent from the Bench, judgment was given in his absence, though the Judge had often told him (Mr. D.) that it was understood it should not be given except in his presence. There was a gentleman now on the Bench from whom he had received much kindness, and for whom he entertained the sincerest respect, who had been Judge Advocate (sic) before the Courts Martial, and who could not now unsay what he had previously said. He did not believe there was any man of intelligence, who was in arms, and who lost his property in the act of resistance, who would claim compensation; but the hon. member for Richelieu did not come within that category, and his claim was not made for himself but for his creditors. That hon. member, however, must bear the effects of his own acts--aye he and his companions must bear the consequences of the noble generosity, with which they were ready to sacrifice themselves to serve their country<sup>154</sup> by resigning themselves to the disposition of Lord Durham, and thus securing the safety of hundreds of their fellow countrymen.<sup>155</sup> If it were justifiable, however, to destroy the property of the hon. member eight days after the affair at St. Denis, it must have been upon the ground that it was liable to confiscation. (Hear, hear.) He knew that in times gone by, it had been the duty of all men to resist tyranny by force, but that was before the power of public opinion had become so strong as it was today. At present there were means of obtaining reform more powerful than the gun and bayonet; and he therefore thought, as he had always thought, that the rebellion was not justifiable. But setting aside that question, he maintained that no man should be indemnified for the necessary consequences of his own acts. That was a principle he was prepared to sustain setting aside rebellion and everything else. He therefore approved of the amendments of the hon. member for Norfolk--not



because it altered the sense of the resolutions, or the sense of those voted in 1846, but he approved of them because they interpreted those resolutions in the sense he understood them.--He hoped, nevertheless, that the time would come when these decisions would be reversed, but let it be done in the constitutional way. It was no business of the House to say who were guilty of high treason, for the Act of Indemnity had done away with all that. In technical language, the persons pardoned were in the same position as before; but as far as history was concerned, they were not in the same position. Could it be affirmed that these persons had not been engaged in the troubles? He believed it was the intention of Ministers to pay any man engaged in rebellion for property lost in the act of making resistance. He would not go into the question how far rebellion was justifiable in a moral point of view. He knew the hon. member for St. Maurice, stood in a better position than the hon. member for Richelieu, because he had never confessed his share in the rebellion, though history would probably regard him as more truly its author than the hon. member for Richelieu; but if the latter were liable to confiscation, so also was that of the former. Why should the one lose his farm, more than the other his salary, which lay in the coffers of the Government? But even supposing the property had been brought up in the usual manner, the creditors must clearly be paid before Government could take anything. He did not<sup>156</sup> admit the legality of Lord Durham's ordinance<sup>157</sup> more than the legality of the Courts Martial, but the House had nothing to do with either.<sup>158</sup>

MR. ROBINSON said, that if the hon. gentleman (Mr. Boulton) had not made use of one word he should not have risen. They had been charged with having made misrepresentations to the country, and making artful dodges, which was untrue; there was no gentleman in the house more capable of making artful dodges than he. He said also that he had argued like a lawyer; he (Mr. R.) thought that it was true. In another part of his speech he said, that there was no possibility of separating the claims of the loyal from the rebels. He (Mr. R.) thought it would be very simple. It looked suspicious that some persons should only have claimed since the Bill of Amnesty had been passed.--The hon. gentleman said, that it would be an outrage now to make enquiries, if persons had been engaged in the rebellion; he (Mr. R.) did not think so. He would appoint two or three respectable Commissioners to report before the house, and he thought it would be perfectly easy to ascertain which were just claims. If on his side of the house too much warmth had been displayed in the debate, he could only say that all the speeches of the gentlemen on the other side<sup>159</sup> from the most learned to the least learned<sup>160</sup> had apologised for treason. They could find thousands of pounds for paying those losses, but not one shilling for any other purpose. He could tell the hon. Financier of the Province that it was not the best way to raise the credit of the country.<sup>161</sup>

MR. ASST. COM. P. W. CAMERON had opened the debate, and had made not the slightest allusion to past events. He treated the question on its merits, as he expected it would be treated throughout the debate. He denied the accusation.<sup>162</sup> Threatening to turn rebels was not likely to improve the credit of the Province.<sup>163</sup>

MR. BADGLEY would occupy the time of the house for a few moments. The subject of the debate had been worn bare. He had heard that the Ordinance

of Lord Durham was illegal, and that a provision of the amendment with reference to those persons who had been sent to Bermuda, would fall to the ground. He would oppose the Resolutions, the amendment, and every thing connected with them, to the utmost of his power.<sup>164</sup>

M. CHAUVEAU, parla ensuite en anglais<sup>165</sup>. ((He)) rose, amid loud cries of question. He thought that when the hon. gentlemen had spoke so much at length on his own amendment, he should have an opportunity of saying a word on it himself. He asked, if the convictions were illegal, and could be set aside, what was the use of the amendment? With regard to the statement of the hon. gentleman, (Mr. Drummond,) that they ought not to constitute themselves a Court of Appeals, he (Mr. C.) said they ought, and that it was the custom of the Imperial Parliament of England to constitute itself a Court of Appeals. That part which had reference to Courts Martial was the strongest part of the amendment of the hon. member for Norfolk, and that was very weak. They did sit as a Court of Appeal, and if they did not set aside the decisions of the Courts Martial, they in some measure recognized their legality. Those who had been condemned by them were excluded from indemnity, while it was granted to all other rebels. He did not think that there were any circumstances which justified rebellion. He thought that all Rebellions and Responsible Governments were not worth a drop of blood. They had been told the British were satisfied; they might well be--they, the minority, ruled the majority. He was the friend of constitutional liberty and Responsible Government.<sup>166</sup>

(109)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

*YEAS.*

*Messieurs Chauveau, Davignon, Laurin, Papineau, and Wilson.--(5.)*

*NAYS.*

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Christie, Crysler, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Gapp, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, Laterrière, Lericux, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Farland, M'Lean, Merritt, Méthot, Meyers, Mongenais, Morrison, Nelson, Notman, Polette, Price, Prince, Robinson, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, and Watts.--(67)*

*So it passed in the Negative.*

*Then the main question being put;*

*Ordered, That the Question be now separately put upon each of the said Resolutions.*

*The 1st of the Resolutions being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution;*

The Honorable Mr. Cayley moved in amendment to the said Resolution, seconded by the Honorable Mr. Macdonald, That all the words after "That" be left out, and the words "in order to ascertain the extent of loss and injury inflicted during the years 1837 and 1838 upon the loyal inhabitants of Lower Canada, by violent and lawless men in arms against their Sovereign, an humble Address was unanimously adopted on the 28th day of February, 1845, by the Legislative Assembly of this Province, and by them presented to the Right Honorable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying "that His Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this Province formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, and Wilson.--(20.)

## NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette,

(110)

Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, and Watts.--(52.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wilson.--(52.)

## NAYS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Guy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)



So it was resolved in the Affirmative.

The 2nd, 3rd, and 4th Resolutions being read a second time, and the Question being put, That this House doth concur with the Committee in the said Resolutions; the House divided upon each:--And the names being called for, they were taken down, as in the last preceding division.

The 5th Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution;

The Honorable Mr. Cayley moved in amendment to the said Resolution, seconded by the Honorable Mr. Macdonald, That all the words after "That" be left out, and the words "Her Majesty having recently, in the exercise of the Royal Prerogative of Mercy, been graciously pleased to relieve from the penalties of their treason, those misguided men who rose in arms against their Sovereign in 1837 and 1838, this House is of opinion that no more fitting opportunity could be selected to secure to those brave men who, true to their allegiance, risked life and property in defence of their country, ample pecuniary compensation from the Losses they may have sustained, and that the particulars of such Losses not yet paid and satisfied form the subject of minute enquiry, under Legislative authority, for the purpose of satisfying the same," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, and Wilson.--(21.)

#### NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lerieux, Lyon, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, and Watts.--(51.)

So it passed in the Negative.

And the Question being again put, That this House doth concur with the Committee in the said Resolution;

The Honorable Mr. Robinson moved in amendment to the said Resolution, seconded by Sir Allan N. MacNab, That after the word "Bermuda" the words "nor any person who was in any manner implicated in the said Rebellion, or who refused, when called upon to aid in suppressing it" be inserted.

And the Question being put, That those words be there inserted; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Egan, Gugy, Hall, Johnson, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Smith of WENTWORTH,

Stevenson, and Wilson.--(26.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KINT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, Viger, and Watts.--(46.)

So it passed in the Negative.

And the Question being again put, That this House doth concur with the Committee in the said Resolution;

Mr. Wilson moved in amendment to the said Resolution, seconded by Mr. Smith, of Frontenac, That all the words after "Bermuda" to the end thereof, be left out, and the words "nor shall any person who aided, assisted, abetted the said Rebellion, be entitled to any indemnity," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Egan, Gagy, Hall, Johnson, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, and Wilson.--(28.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Taché, Thompson, Viger, and Watts.--(44.)

So it passed in the Negative.

And the Question being again put, That this House doth concur with the Committee in the said Resolution;

(111)

Mr. Prince moved in amendment to the said Resolution, seconded by Mr. Malloch, That all the words after "That" be left out, and the words "this House most solemnly and unequivocally protesting against any measure that has for its object, or that can directly or indirectly result in indemnifying for Losses those who were engaged in or countenanced the late Rebellion, is of opinion, as well as desirous, that the loyal subjects of Her Majesty, and no others, in Lower Canada, should be indemnified for the just Losses they sustained, but that such Losses should be paid by Lower Canada alone, and from her own local resources, and that Upper Canada and

the Consolidated Revenue Fund of the Province should be wholly and entirely exempt from the burthen of any portion of those Losses; because it would, in the opinion of this House, be the height of injustice to saddle Upper Canada, and especially the Western Districts thereof, with any part of these Losses, there having been no Rebellion nor any symptoms of Rebellion there; it being, on the contrary, a fact that the peaceable inhabitants along that frontier were the victims of various invasions, thereby suffering serious injuries and heavy losses arising out of the Rebellion in Lower Canada (and instigated by emissaries and refugees from that section of the Province); and because such just losses as have been made good to those loyal subjects in Upper Canada who suffered by reason of their manly defence of the Crown and their Sovereign's rights, the British Constitution, and the Laws of the Land, and who had become sufferers through the disloyal and disaffected in the Lower Province, were nobly and generously defrayed by Upper Canada from her own local resources: And further, that this House, considering the vast importance of the measure (both in a political and moral view) as now proposed by the present Administration, and embraced in the original Resolutions, and the sudden and peculiar mode of introducing it, by which the country has been taken by surprise; and also considering the impoverished and embarrassed state of the finances of the Province generally, which has put a stop to our public improvements so much required, is of opinion that this measure ought not to be further proceeded with until a direct appeal has been made to the People, and their voice expressed in a proper constitutional manner," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Bailey, Brooks, Cayley, Christie, Crysler, Guy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Ian, Meyers, Prince, Robinson, Seymour, Shenwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(17.)

## NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chapman, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notran, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wilson.--(52.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais,



Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, and Watts.--(48.)

NAYS.

Messieurs Badgley, Brooks, Cayley, Christie, Crysler, Dickson, Gagy, Johnson, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of Durham, Smith of FRONTENAC, Stevenson and Wilson.--(23.)

So it was resolved in the Affirmative.

The 6th Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution;

The Honorable Mr. Cayley, moved in the amendment to the said Resolution, seconded by the Honorable Mr. Macdonald, That all the words after "That" be left out, and the words "authority should be given to the Governor General and Council to issue Debentures to the amount of £ or such lesser sum as may be sufficient for the purpose, payable out of the Tavern Licenses of that part of the Province formerly called Lower Canada, at or within twenty years from the date thereof, respectively, and bearing interest at the rate of six per cent, payable out of the said Licenses, on such day and in such year as shall be there specified," added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson, Gagy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wilson.--(51.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger,

(112)

and Watts.--(48.)

NAYS.

Messieurs Badgley, Brooks, Burritt, Cayley, Christie, Crysler, Dickson,  
Gugy, Johnson, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch,  
M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE,  
Smith of DURHAM, Smith of FRONTENAC, Stevenson, and Wilson.--(24.)

So it was resolved in the Affirmative.

The 7th Resolution being read a second time, was agreed to.

Indemnification  
Bill (L. C.)

Ordered, That the Honorable Mr. Attorney General  
LaFontaine have leave to bring in a Bill to  
 provide for the Indemnification of parties in

Lower Canada whose property was destroyed during the Rebellion in 1837  
 and 1838.

He accordingly presented the said Bill to the House, and the same  
 was received and read for the first time; and ordered to be read a second  
 time, on Friday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be  
 postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General LaFontaine,  
 seconded by the Honorable Mr. Viger,

The House adjourned.

APPENDIX: 27 FEBRUARY 1849.

((QUESTION AND ANSWER RE: LOWER CANADIAN MILITIA.))<sup>167</sup>

MR. LAURIN (( asked a question.))<sup>168</sup>

MR. AT. GEN. LAFONTAINE stated that it was not the intention of the Ministry to introduce any measure to amend the law regulating the Militia of the Province, so as to appoint an Adjutant General for each section of the Province, and to abolish the Deputy Adjutant Generalships.<sup>169</sup>



FOOTNOTES: 27 FEBRUARY 1849.

1. The debate on this matter was reported by: PILOT, 28 February 1849, PACKET, 10 March 1849, and GLOBE, 7 March 1849, in identical accounts; and MONTREAL GAZETTE, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, ST. CATHARINES JOURNAL, 15 March 1849, and LA MINERVE, 1 March 1849, in identical accounts. STANSTEAD JOURNAL, 8 March 1849, noted the debate. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read MONTREAL GAZETTE.
2. HAMILTON SPECTATOR, 7 March 1849.
3. PILOT, 28 February 1849.
4. HAMILTON SPECTATOR, 7 March 1849.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. PILOT, 28 February 1849.
10. HAMILTON SPECTATOR, 7 March 1849.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this matter was reported by: LA MINERVE, 1 March 1849; LE JOURNAL DE QUEBEC, 3, 5, 8 March 1849; MONTREAL GAZETTE, 28 February 1849, and HAMILTON SPECTATOR, 7 March 1849, in identical accounts, except that the HAMILTON SPECTATOR reports more speeches; MONTREAL GAZETTE, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts, except that in the HAMILTON SPECTATOR, the accounts of Sherwood's, Davignon's, and Wilson's speeches are different; and PILOT, 28 February 1849, HAMILTON SPECTATOR, 7 March 1849, GLOBE, 7 March 1849, and PACKET, 10 March 1849, in identical accounts, except that HAMILTON SPECTATOR reports only Sherwood's, Davignon's and Wilson's speeches, GLOBE omits several speeches, and PACKET reports only Baldwin's speech. L'AVENIR, 28 February, 7, 10 March 1849, noted the debate. Commentaries may be found in: STANSTEAD JOURNAL, 29 February 1849; PRINCE EDWARD GAZETTE, 9 March 1849; PROVINCIALIST, 1 March 1849, acknowledging NIAGARA MAIL as its source; HAMILTON SPECTATOR, 28 February, 10 March 1849; and NIAGARA MAIL, 28 February 1849, acknowledging GLOBE as its source.
17. L'AVENIR, 7 March 1849.
18. IBID., 10 March 1849.
19. HAMILTON SPECTATOR, 7 March 1849.
20. PILOT, 28 February 1849.
21. HAMILTON SPECTATOR, 7 March 1849.
22. PILOT, 28 February 1849.
23. HAMILTON SPECTATOR, 7 March 1849.
24. PILOT, 28 February 1849.
25. HAMILTON SPECTATOR, 7 March 1849.
26. PILOT, 28 February 1849.
27. HAMILTON SPECTATOR, 7 March 1849.

28. PILOT, 28 February 1849.
29. HAMILTON SPECTATOR, 7 March 1849.
30. PILOT, 28 February 1849.
31. IBID.
32. IBID.
33. HAMILTON SPECTATOR, 7 March 1849.
34. PILOT, 28 February 1849.
35. HAMILTON SPECTATOR, 7 March 1849.
36. IBID.
37. L'AVENIR, 10 March 1849.
38. HAMILTON SPECTATOR, 7 March 1849.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. L'AVENIR, 10 March 1849.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. HAMILTON SPECTATOR, 7 March 1849.
52. IBID.
53. IBID.
54. MONTREAL GAZETTE, 2 March 1849.
55. HAMILTON SPECTATOR, 7 March 1849.
56. MONTREAL GAZETTE, 2 March 1849.
57. HAMILTON SPECTATOR, 7 March 1849.
58. MONTREAL GAZETTE, 2 March 1849.
59. HAMILTON SPECTATOR, 7 March 1849.
60. MONTREAL GAZETTE, 2 March 1849.
61. HAMILTON SPECTATOR, 7 March 1849.
62. MONTREAL GAZETTE, 2 March 1849.
63. HAMILTON SPECTATOR, 7 March 1849.
64. MONTREAL GAZETTE, 2 March 1849.
65. HAMILTON SPECTATOR, 7 March 1849.
66. MONTREAL GAZETTE, 2 March 1849.
67. HAMILTON SPECTATOR, 7 March 1849.
68. MONTREAL GAZETTE, 2 March 1849.
69. HAMILTON SPECTATOR, 7 March 1849.
70. MONTREAL GAZETTE, 2 March 1849.
71. HAMILTON SPECTATOR, 7 March 1849.
72. MONTREAL GAZETTE, 2 March 1849.
73. HAMILTON SPECTATOR, 7 March 1849.
74. MONTREAL GAZETTE, 2 March 1849.
75. L'AVENIR, 10 March 1849.
76. MONTREAL GAZETTE, 2 March 1849.
77. PILOT, 28 February 1849.
78. MONTREAL GAZETTE, 2 March 1849.
79. PILOT, 28 February 1849.

80. MONTREAL GAZETTE, 2 March 1849.
81. PILOT, 28 February 1849.
82. MONTREAL GAZETTE, 2 March 1849.
83. PILOT, 28 February 1849.
84. MONTREAL GAZETTE, 2 March 1849.
85. PILOT, 28 February 1849.
86. MONTREAL GAZETTE, 2 March 1849.
87. HAMILTON SPECTATOR, 7 March 1849.
88. MONTREAL GAZETTE, 2 March 1849.
89. HAMILTON SPECTATOR, 7 March 1849.
90. MONTREAL GAZETTE, 2 March 1849.
91. HAMILTON SPECTATOR, 7 March 1849.
92. MONTREAL GAZETTE, 2 March 1849.
93. HAMILTON SPECTATOR, 7 March 1849.
94. MONTREAL GAZETTE, 2 March 1849.
95. HAMILTON SPECTATOR, 7 March 1849.
96. MONTREAL GAZETTE, 2 March 1849.
97. HAMILTON SPECTATOR, 7 March 1849.
98. MONTREAL GAZETTE, 2 March 1849.
99. HAMILTON SPECTATOR, 7 March 1849.
100. MONTREAL GAZETTE, 2 March 1849.
101. HAMILTON SPECTATOR, 7 March 1849.
102. MONTREAL GAZETTE, 2 March 1849.
103. HAMILTON SPECTATOR, 7 March 1849.
104. MONTREAL GAZETTE, 2 March 1849.
105. HAMILTON SPECTATOR, 7 March 1849.
106. MONTREAL GAZETTE, 2 March 1849.
107. HAMILTON SPECTATOR, 7 March 1849.
108. MONTREAL GAZETTE, 2 March 1849.
109. HAMILTON SPECTATOR, 7 March 1849.
110. MONTREAL GAZETTE, 2 March 1849.
111. HAMILTON SPECTATOR, 7 March 1849.
112. HAMILTON SPECTATOR, 10 March 1849.
113. PILOT, 28 February 1849.
114. HAMILTON SPECTATOR, 10 March 1849.
115. IBID.
116. PACKET, 10 March 1849.
117. HAMILTON SPECTATOR, 10 March 1849.
118. PACKET, 10 March 1849.
119. HAMILTON SPECTATOR, 10 March 1849.
120. PACKET, 10 March 1849.
121. HAMILTON SPECTATOR, 10 March 1849.
122. PACKET, 10 March 1849.
123. IBID.
124. IBID.
125. PILOT, 28 February 1849, did not report this speech except to note:  
"Mr. Cayley followed in a speech, which we regret our inability to report, owing to the difficulty of hearing the hon. member distinctly. He repeated nearly the whole contents of his Circular, which is already before the country."
126. HAMILTON SPECTATOR, 10 March 1849.



127. L'AVENIR, 10 March 1849.
128. IBID.
129. PILOT, 28 February 1849.
130. L'AVENIR, 10 March 1849.
131. PILOT, 28 February 1849.
132. L'AVENIR, 10 March 1849.
133. HAMILTON SPECTATOR, 10 March 1849.
134. PILOT, 28 February 1849.
135. HAMILTON SPECTATOR, 10 March 1849.
136. PILOT, 28 February 1849.
137. HAMILTON SPECTATOR, 10 March 1849.
138. IBID.
139. IBID.
140. PILOT, 28 February 1849.
141. HAMILTON SPECTATOR, 10 March 1849.
142. PILOT, 28 February 1849.
143. HAMILTON SPECTATOR, 10 March 1849.
144. PILOT, 28 February 1849.
145. HAMILTON SPECTATOR, 10 March 1849.
146. IBID.
147. IBID.
148. PILOT, 28 February 1849. PILOT, 2 March 1849, also gave several corrections of its report, which have been incorporated into the reconstructed debate. The PILOT noted: "CORRECTION.--In the hurry of writing out their notes for the printers, Reporters will sometimes make mistakes, and Hon. Members may think themselves fortunate that they are not oftener misrepresented. Several important errors have occurred in our report of the speech of the Solicitor General East on Tuesday evening, which we have been requested to correct."
149. HAMILTON SPECTATOR, 10 March 1849.
150. PILOT, 28 February 1849. The ellipses represent illegible lines.
151. PILOT, 2 March 1849.
152. IBID., 28 February 1849.
153. IBID., 2 March 1849.
154. IBID., 28 February 1849.
155. IBID., 2 March 1849.
156. IBID., 28 February 1849.
157. IBID., 2 March 1849.
158. IBID., 28 February 1849.
159. HAMILTON SPECTATOR, 10 March 1849.
160. PILOT, 28 February 1849.
161. HAMILTON SPECTATOR, 10 March 1849.
162. PILOT, 28 February 1849.
163. HAMILTON SPECTATOR, 10 March 1849.
164. IBID.
165. L'AVENIR, 10 March 1849.
166. HAMILTON SPECTATOR, 10 March 1849.
167. The debate on this matter was reported by: PILOT, 28 February 1849, MORNING CHRONICLE, 2 March 1849, BATHURST COURIER, 2 March 1849, GLOBE, 3 March 1849, HAMILTON SPECTATOR, 3 March 1849, PROVINCIALIST, 5 March 1849, ST. CATHARINES JOURNAL, 8 March 1849, PACKET, 10 March 1849, and PRINCE EDWARD GAZETTE, 16 March 1849, indential accounts.

A commentary may be found in LE JOURNAL DE QUEBEC, 1 March 1849.

168. PILOT, 28 February 1849.

169. IBID.

WEDNESDAY, 28 FEBRUARY 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

Mr. Duchesnay,--The Petition of C. J. Duchesnay, Esquire, and others, of the County of Richelieu.

By Mr. DeWitt,--The Petition of William Robinson, on behalf of a public meeting of the Inhabitants of the Townships of Leeds and Lansdowne.

By Mr. Christie,--The Petition of John Connor, late a Gunner and Driver in the Royal Regiment of Artillery.

By Mr. Jobin,--The Petition of William Evans, and of his sons John E. Evans and William Evans, junior, of Côte St. Paul.

By Mr. Solicitor General Blake,--The Petition of Henry Jessup, of the City of Toronto, Esquire.

By the Honorable Mr. Merritt,--The Petition of Mahlon Willet and others, of the County of Chambly; and the Petition of G. T. Havens and others, of the Township of Grantham.

By Mr. Morrison,--The Petition of Mrs. Rebecca Sylvester, of Toronto; and the Petition of Jacob Papst, of Toronto.

By the Honorable Mr. Boulton,--The Petition of the Municipal Council of the District of Talbot (wild Lands); and the Petition of the Municipal Council of the District of Talbot (Courts of Assize.)

By Mr. Watts,--The Petition of Robert Layfield and others, of Inverness and other Townships; and the Petition of the Reverend J. E. A. Dupuis and others, of Halifax, Inverness, and other Townships, County of Megantic.

By the Honorable Mr. Badgley,--The Petition of the Caput of the University of McGill College.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. Marks, Esquire, and others, of the County of Frontenac; of Edmund Murney, Esquire, and others, of the County of Hastings; of Adiel Sherwood, Esquire, Chairman, and John Bacon, Secretary, on behalf of a public meeting of the Inhabitants of the District of Johnstown assembled at Brockville; and of Frederick S. Verity and others, of the County of Beauharnois; praying for the rejection of the proposed measure for the indemnification of Rebellion Losses in Lower Canada.

Of the Hamilton Mercantile Library Association; praying an Act of Incorporation.

Of Martin M'Kinnon, of the Township of Vaughan, County of York; representing that he was the occupant of a Clergy Reserve lot of land in the said Township which was afterwards erected into a Rectory, and of which he is about to be dispossessed; and praying for the abolition of the Rectories, and the sale of the Clergy Reserve Lands to their present occupants at a fair valuation.

Of James Emmerson and others, of the northern Townships of the County of Kent; praying that the said Townships may be set apart as a separate District, and remain attached to the Western District until their population shall warrant such division.

Of Murdoch M'Donnell, of the Town of Perth; praying that the Act 10 and



11 Vic. C. 106, may be so amended as to confirm him in his title to a certain piece of land conveyed to him by the Trustees of the Calvinistic Baptist Church of the said Town.

Of Joseph D. Clement, President, and others, the Vice-Presidents, Officers, Committee of Management, and Members of the Brantford Mechanics' Institute; praying for aid.

Of R. B. Hudson and others, of the Township of Bristol; praying for certain amendments to the Common School Act.

Of Pierre Brunelle and others, of Cap Blanc, in the City of Quebec; representing that an unjust grant of the lands composing the said Cap Blanc, has been made to E. Baird, Esquire, in consequence of which they have suffered damage at law,--and praying for an enquiry and relief in the premises.

Of Firmin Perrin, Esquire, of the Parish of Berthier; representing that he was a creditor of Messieurs Nelson and Deschambault, to a certain amount in 1837, and that he has suffered loss in consequence of the destruction of their property in 1837-8, and praying indemnification for his said loss.

Of Firmin Perrin, Esquire, of the Parish of Berthier; praying indemnification for certain Losses sustained by him during the Troubles of 1837-8.

Of John M'Golrick and others, of the City of Quebec; complaining of certain grievances in the mode of proceeding by W. K. M'Cord, Esquire, Inspector and Superintendant of Police of the said City, in his Magisterial capacity and in the Police Court, and praying relief.

Of the Mayor, and Aldermen and Commonalty of the City of Toronto; praying for certain alterations to the proposed Municipal Council Bill.

Of W. H. Anderson, Esquire, and others, stock-holders and subscribers to the Quebec Protestant Cemetery Association; praying for a certain amendment to the Bill to incorporate the Mount Hermon Cemetery.

Of Joshua Wixon and others, of Pickering, Home District; praying that no division may be made of the said District.

Of Gideon Tiffany and others, of the Township of Delaware; praying that in the proposed division of the District of London for electoral purposes, the said Township may remain undivided and attached to the County of Middlesex.

Of the Municipal Council of the District of Ottawa; praying that the payment of money out of the revenues of the said District, may not be involved in any measure for settling questions arising out of sales of lands by Sheriffs for arrears of taxes.

Of John M'Conville and others, of the Parish of St. Paul; praying that

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the said Parish may be annexed to the County of Leinster.

Of John Ferguson and others, of the County of Grenville; praying for an Act of Incorporation for the construction of a Railroad from Montreal to Prescott.

Of Henry Burritt and others; of the Districts of Johnstown, Bathurst, and Dalhousie; praying for aid to build a Bridge over the River Rideau, at Burritt's Rapids.

Of Samuel Crane and others, of the District of Johnstown; praying for an Act of Incorporation for the construction of a Railroad from Bytown to Prescott.

Of the Municipal Council of the District of Simcoe; praying for the appropriation of the Clergy Reserve Lands to the purposes of general education.

Of F. Nye and others, of the County of Huntingdon; praying for the adoption of certain measures to facilitate the commutation of the tenure of Land held en fief and en censive.

Of James Oswald and others, of the District of Niagara; praying for the repeal of a certain part of the Act imposing a duty on Distillers, and the spirituous liquors made by them.

Of William Davidson and others, of the first and second Concessions of the Township of Caistor, County of Lincoln; praying that the lands of the said Concessions may be equally divided according to the intention of the original survey of the said Township.

Of the Honorable W. H. Merritt, President, and others, Directors of the Niagara Falls Suspension Bridge Company, and the Niagara Falls International Bridge Company; praying for the passing of an Act to confer upon them the exclusive right of erecting any other Bridge across the River Niagara from a certain point below, to the head of the Rapids above the Falls, for a certain term of years.

Of William Hewson and others, of the Township of Grantham; praying for the appropriation of the Clergy Reserve Funds to the purposes of popular education.

Of George Rykert, Esquire, Chairman, and Thomas Foley, Secretary, on behalf of a meeting of the inhabitants of the Town of St. Catharines and the Township of Grantham; praying that no final action may be had on the Municipal Council Bill, until the views of the country thereon are ascertained.

Of A. Legendre, Esquire, and others, of the County of Lotbinière; praying for the adoption of measures to facilitate the commutation of the tenure of Lands held en fief and en censive.

Of the City Council of the City of Kingston; praying for the incorporation of the Kingston Hospital, and that provision be made for the same by an annual grant of a certain amount.

Of A. T. Galt and others, of the County of Sherbrooke; praying for the passing of an Act to protect Provincial Manufactures and Commerce.

Of Thomas Tait, Esquire, and others, of Windsor and other Townships; praying for the re-establishing of Township Councils and that the Sleigh Ordinance be revived.

Of A. B. Papineau, of the Parish of St. Martin, District of Montreal, Esquire; complaining of his unjust dismissal by the Government from his offices of Justice of the Peace and Commissioner of the Court of Small Causes without being heard in his defence, and praying for justice in the premises.

Of the Mayor and Councillors of the City of Quebec; praying for the adoption of measures to secure the construction of the proposed Railroad to connect the Provinces of Canada, New Brunswick, and Nova Scotia.

Of Louis Fournier, Esquire, and others, of the Parish of St. Thomas, County of L'Islet; praying that the Registry Office of the said County may be continued at St. Thomas.

Of the Religious the Ursuline Ladies of Quebec; praying for the passing of an Act to authorize them to increase their annual income to a certain amount.

Petition of J.  
and J. Bigelow  
referred.

Ordered, That the Petition of Joel Bigelow, Esquire  
Chairman, and Joseph Bigelow, Secretary, at a  
public meeting on behalf of the inhabitants of  
the Town of Lindsay, Township of Ops, be referred  
to the Select Committee appointed to enquire whether any and what Legislative  
measures can be adopted to repress the evils growing out of Intemperance.

Intemperance.

Ordered, That the several Petitions presented to  
this House during the present Session, on the  
subject of Intemperance, be referred to the said Committee.

Petition of  
P. P. Russell  
and others;  
Of Lachine Rail-  
road Company;

Ordered, That the Petition of P. P. Russell and  
others, inhabitants of the District of Montreal,  
and the Petition of the Montreal and Lachine  
Railroad Company, be referred to the Standing  
Committee on Standing Orders.

Of A. Plumly;

Resolved, That the Petition of Auldin Plumly, of  
the Township of Hatley, be referred to a Select  
Committee composed of Mr. M'Connell, the Honorable Mr. Papineau, Mr.  
Solicitor General Drummond, the Honorable Mr. Badgley, and Mr. Gagy, to  
examine the contents thereof, and to report thereon with all convenient  
speed; with power to send for persons, papers, and records.

Of P. Cartier  
and others  
referred.

Resolved, That the Petition of Pierre Cartier and  
others, of St. Francois du Lac St. Pierre, be  
referred to a Select Committee Mr. Lemieux, and  
Mr. Fortier, to examine the contents thereof,  
and to report thereon with all convenient speed; with power to send for  
persons, papers, and records.

Prescott  
Election.

Mr. Chabot, from the Select Committee appointed  
to try the merits of the Petition complaining of an  
undue Election and Return for the County of Prescott,  
reported, That, pursuant to adjournment, the Committee met this day at  
ten o'clock, A. M., and after waiting for one hour, in conformity with the  
direction of the Statute, they were unable to proceed to business, in  
consequence of the absence of George Edouard Cartier, Esquire, a Member  
of the Committee.

Ordered, That Mr. Cartier do attend in his place, in this House, to-morrow.

Report of  
Petition of  
B. Marquette  
and others.

Mr. Laurin, from the Select Committee to which  
was referred the Petition of B. Marquette and others,  
the President, Officers, and Members of the Association  
of Teachers of the District of Quebec, presented to  
the House the Report of the said Committee; which  
was read, as followeth:--

Your Committee have taken into their consideration the prayer of the  
Petition referred to them, and beg leave to recommend the same to the  
favorable consideration of Your Honorable House.

Quebec District  
Teachers' Assoc-  
iation Bill.

Ordered, That Mr. Laurin have leave to bring in  
a Bill to incorporate the Teachers' Association  
of the District of Quebec.



He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourteenth of March next.

Petition of  
Brunelle and  
others.

Ordered, That the Petition of Pierre Brunelle and others, of Cap Blanc, in the City of Quebec, be printed for the use of the Members of this House.

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Petition of F.  
Nye and others.

Ordered, That the Petition of F. Nye and others, of the County of Huntingdon, be printed for the use of the Members of this House.

Papers relating  
to Rebellions in  
1837 and 1838.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that he may be graciously pleased to direct the proper Officer to lay before this House, all the Correspondence between the Government and the Clerk of the Peace for the District of Montreal, and the Clerk of the Crown in the said District, and the Prothonotary for the said District, and any other officer or officers of the Government, relative to the transmission and removal from their several offices to Kingston, during Administration of the late Right Honorable Sir Charles Bagot, of the depositions, evidences, informations, indictments, presentments, and other papers and documents concerning and relating to the Rebellions in the years 1837 and 1838, and to the several persons engaged in such Rebellions; also, a detailed Statement of the number, nature and description of the said papers and documents which were destroyed at Kingston, or withdrawn from the public archives, or from the custody, possession and safe-keeping of the officers having legally charge of the same, together with the names of those officers of the Government, or other persons who may have so destroyed or withdrawn the same; also, a copy of any Minute or Minutes of Council relating to the said papers and documents in any way whatsoever.<sup>1</sup>

SIR A. MACNAB said he was willing to strike out the clause relative to papers that had been destroyed.<sup>2</sup>

MR. AT. GEN. BALDWIN was a little surprised when he first saw the motion of the hon. and gallant knight, but not so much as when he saw it seconded by the hon. member for Kingston, a member of the late Administration, who had had an opportunity of ascertaining all the facts of the case, and still more surprised that the hon. and gallant knight, who had himself been connected with Governments, and ex-Speaker of the House, should perpetrate such language as that contained in the motion; without offence to the hon. gentleman, he must say that it looked very like clap-trap. He could not say what had been done with the papers; if any had been abstracted, he had not heard anything of it until he saw the notice of the hon. and gallant knight<sup>3</sup> and that was the only answer he could give to that part of the motion. As to the other papers, his only objection was, that the amnesty bill having unanimously passed, it would be highly impolitic to rip up occurrences, which ought now to be buried in oblivion.<sup>4</sup> He (Sir Allan) had shewn no ground why it should be granted, and he thought it most uncalled for.<sup>5</sup> He would therefore oppose the motion. The production of

these papers could be of no possible advantage.<sup>6</sup>

MR. J. A. MACDONALD (Kingston) was rather surprised at the surprise of the hon. Attorney General West. The papers did not belong to the Government but were legal documents fyled in the Office of the Clerk of the Peace. Public notoriety said that the Government had taken the trouble to send the Clerk of the Peace for those papers to Kingston.<sup>7</sup> Public notoriety stated that these papers, which were indictments, were improperly removed from Montreal, and that the box in which they were contained was ransacked by some persons, perhaps members of the Government.<sup>8</sup> Another reason why the papers should be given; they had a long debate on the rebellion, and it had been said that it was difficult to find out who were rebels and who were not.<sup>9</sup> Besides, very important information might be contained in these papers, which would<sup>10</sup> assist the Administration in finding out who<sup>11</sup> should be considered entitled to indemnity for rebellion losses.<sup>12</sup> He could not see why the minutes of the Council should be kept back.<sup>13</sup>

MR. AT. GEN. LAFONTAINE said that the motion only asked for the correspondence, but the hon. gentleman had let out what they wanted them for--to bear on the rebellion losses.<sup>14</sup>

MR. J. A. MACDONALD (Kingston) said that they only asked for the correspondence then, and they would follow that up by any other notices afterwards.<sup>15</sup>

MR. AT. GEN. LAFONTAINE said, that with regard to the public notoriety of papers having been abstracted, he denied that he could name any person who could tell him that those papers had been abstracted. The hon. gentleman should be aware what the minute of the Council consisted of, as he seconded the motion.--They want the papers for no other purpose than to bear on the rebellion. For his (Mr. L.'s) part he should be glad to have those papers laid before the house, but he thought they might give some gentleman cause to blush.<sup>16</sup>

SIR A. MACNAB maintained that he had a right to the information he asked for. He did want it for the purpose of bearing on the question they had been discussing. He had been informed that the papers had been improperly removed when that gentleman (Mr. L.) was at the head of the government. The hon. gentleman had not denied the fact.<sup>17</sup>

MR. BALDWIN said that he denied it.<sup>18</sup>

SIR A. MACNAB ((resumed:)) The Hon. gentleman had done it for him. He (Sir Allan) had heard that those papers had been destroyed, and if they had not been, they had no reason why he should not have them. The Atty. General, West had expressed surprise that an ex-Speaker of the House would make an enquiry of that kind. When he was Speaker he did his duty, he hoped, to the satisfaction of that hon. gentleman; and through the influence of that hon. gentleman he had been removed, and who, though he had been successful in removing him, he did not think that it was in good taste to be always making allusion to it. If the hon. gentleman did it with a view of hurting his (Sir Allan's) feelings, he would be mistaken. The hon. gentleman said that he looked on the motion as clap-trap; he might do so; but he (Sir Allan) did not think that the country would call it clap-trap. They were going to pay thousands of pounds for rebellion losses, and

wished to have it left in such a manner that they might pay whom they choose. He had discharged his duty in asking for those papers, but if they wished to withhold them, they could. They left it in the power of persons to say that the papers had been removed and destroyed.<sup>17</sup>

MR. INSP. GEN. HINCKS said it was now apparent what they wanted. They wanted to get a large mass of papers, eleven years old, that would fill three or four volumes of the size of the Appendix to the Journals. The papers had not been deposited with the Clerk of the Peace, as the hon. member for Kingston had thought proper to assert. As to the destruction of the papers, he would venture to assert that there was nobody in the house that would believe it; and if any had been destroyed, it would be a very difficult thing to find out after eleven years; and if the Bill of Amnesty had been passed, it was exceedingly impolitic to bring those papers for the purpose of making charges against individuals.<sup>20</sup>

COL. GUGY should not have spoken, had not the hon. gentleman given him occasion, for which he was obliged. It was not the intention of any body, or did he believe there was any wish to bring accusations against any man.--Gentlemen had argued that without a Star Chamber proceeding they could not find out who was rebel and who not, if the papers in question afforded the necessary evidence why should they not be brought down? They did not want them for the purpose of establishing a particular crime against any body, but for the purpose of ascertaining who were entitled to claims. The papers were all matters of history, there was no man whose name was involved in those papers ashamed of the part he took.--In place of being a disgrace in a certain quarter to have been engaged in the Rebellion, it was the road to emolument. It was those unfortunate fellows who were now called rebels that had the worst of it; and if it went on in the same ratio, God knew when it would stop. It was loyalty that was now a term of reproach.<sup>21</sup>

MR. SOL. GEN. BLAKE thought that when the late government issued a commission which cost a thousand pounds, they should have found them therein.<sup>22</sup>

M. PAPINEAU.--Le système du secret et du mystère de la part du cabinet, quand la Chambre demande la production de documents qui sont de leur nature des documents judiciaires, qui appartiennent à des cours de justice, et dont chaque particulier a le droit prendre connaissance, seulement avec le désavantage de payer à un greffier certaine somme d'argent, me surprend au dernier point. Je ne comprends pas qu'il puisse y avoir des prétextes de refuser la production de ces pièces. Ce ne sont pas là des papiers d'état; ce sont de simples pièces judiciaires. Ces documents constateront qu'une masse énorme de citoyens ont été jetés dans les prisons sans ordre des magistrats, qu'ils ont été illégalement persécutés; et c'est parce que je suis persuadé que tout le tort, tout l'odieux de ces événements reste à ceux qui exerçaient le pouvoir, qui étaient revêtus des charges du gouvernement à cette époque, que je demande la production de ces documents.

Je les demande ensuite, parceque l'on dit que ces archives publiques, qui auraient été à tort commises à la garde du procureur-général du temps, ont été en partie détruites. Je n'en crois rien; mais je dis que dans tous les cas, les originaux de ces actes ne devaient pas sortir des mains du greffier. S'il y a eu pareille erreur de commise, pour nous mettre en garde contre le renouvellement de pareilles offenses, si dangereuses à la



sûreté publique, nous devons demander la production de ces papiers. Il nous faudrait faire en sorte par des lois que de semblables erreurs ne se répètent pas.

Dans une discussion récente, où on s'est élevé avec raison contre l'existence illégale des cours martiales, on a allégué qu'on n'avait pas pu obtenir la réparation de torts subis à cette époque; que les juges avaient refusé de se prononcer sur cette question. De tout ceci, j'infère qu'il y a des faits assez graves pour que nous dussions prochainement nous occuper des moyens de rendre à nos cours de justice une indépendance qu'on prétend qu'elles ont perdu, et qu'il y a lieu, au plus vite possible, de faire annuler des sentences de cours qui n'avaient pas d'existence légale. La production de ces papiers doit conduire à ce résultat.

Je concours dans la demande de la production de ces pièces parce qu'elle est de stricte justice, de droit et dans l'intérêt public. Il n'y a pas de motifs raisonnables d'empêcher que le contenu de ces pièces soit exposé devant cette Chambre, quant chaque particulier, avec plus de dépenses, a le droit d'avoir une copie de la totalité de ces documents.

Je crois que la production de ces documents pourra nous conduire à régulariser la manière dont de semblables archives doivent être tenues, et empêcher à l'avenir la soustraction de ces pièces, ainsi qu'on dit qu'elle a existée. Je ne crois pas que la production de ces pièces puisse nuire aux réclamations de qui que ce soit.

La Chambre, à la suite du cabinet, et contre le voeu de la majorité du pays, a divisé les gens en différentes catégories; elle a voulu qu'il y en eut d'exclus du droit d'indemnité. Mais toutes les recherches que nous ferons ne pourront exclure qui que ce soit de ce droit, quand même elles prouveraient que des personnes qui font des réclamations aient pris les armes ou non; cela ne peut être, maintenant, d'aucune importance; ils n'en auront pas moins droits à leur juste indemnité.

La production de ces documents ne pourra pas nuire à cette question, du moment où ça ne restreint pas l'acte de justice qu'on veut rendre à nos compatriotes, je crois que la production des documents qu'on demande ne pourra que nous donner des connaissances, qu'il est utile que nous ayons. Ces papiers prouveront que l'insurrection était justifiable; ils feront voir jusqu'à quel point les lois ont été violées; ils feront voir dans combien d'occasions le bien public n'a été qu'un prétexte pour voler ces individus. Il n'y a que le pouvoir qui a pu alors, commettre ces actes d'injustice. Les opprimés étaient trop faibles pour pouvoir commettre l'injustice; ils ne pouvaient pas même se défendre dans les tribunaux. Le parti qui représentait le peuple de cette province n'a rien à craindre pour son honneur de la production de ces pièces.

Je m'étonne du refus de la production de papiers qui ne sont pas des secrets d'état, qui ne sont pas des délibérations du conseil exécutif. Et ceux-là même je les demanderais; le conseil doit être soumis aux désirs de cette Chambre, lorsqu'elle demande communication de ses délibérations. Je ne peux pas comprendre qu'il y ait des motifs raisonnables de refuser la demande qui est faite en ce moment. On dit qu'une partie de ces documents ont été soustraits. Ce n'est qu'une raison de plus pour nous; car alors le plus court serait de détruire tous ces papiers.

Les arguments dont on vient de se servir pour faire voir le danger qu'il y a de répandre des archives incomplètes, pour faire voir le danger qui peut résulter de la production de ces pièces, sont des arguments par les-

quels on a, dans tous les temps, cherché à empêcher le progrès des idées. Ce sont les arguments dont on se sert pour établir la censure contre la presse; ce sont les arguments dont on s'est servi pour allumer les bûcher (sic) de l'inquisition, sans le prétexte d'empêcher l'erreur de se répandre.

Dans le moment actuel il y a injustice à refuser la production de ces papiers, parce que ce sont des records accessibles à quiconque en veut faire mauvais usage. Quiconque voudra aller fouiller dans les records de cette époque peut en prendre des extraits dans l'intérêt de sa passion et venir attaquer les individus contre qui il aurait à se plaindre; au lieu que, quand la production d'une grande masse des papiers est demandée par un corps comme celui-ci, on peut croire qu'il n'en peut résulter que la vérité. Si on avait quelques raisons d'objecter à la production de ces documents, il faudrait suivre le conseil de l'hon. membre pour le comté d'Oxford, et demander qu'ils fussent brûlés. Si vous ne les publiez pas aujourd'hui, ils les seront dans dix, dans quinze, dans vingt ans, et tous ceux qui sont attaqués aujourd'hui et qui pourraient maintenant se défendre perdront tout espoir de refuter la calomnie. Aujourd'hui ils pourraient se justifier si on leur donnait l'occasion; plus tard, ils ne le pourront pas. Qu'est-ce qu'on a à craindre de la production de ces papiers; qu'est-ce qu'on a à craindre de voir des centaines de dépositions dire que tels ou tels habitants ont pris les armes, qui n'ont pas désavoué l'avoir fait lorsqu'ils étaient dans les prisons, sous la main de fer des géoliers? Ils ont dit, en face de la mort nous avons pris les armes, nous étions justifiables de le faire, nous nous en rapportons au verdict du pays. Ils n'ont pas rougi de leurs acts; pourquoi craindrions-nous qu'ils en eussent à rougir aujourd'hui? Tout ce que ces papiers pourront prouver contre nous, c'est que dans une proportion très restreinte du Canada, le majorité des paroisses se sont soulevées contre un pouvoir oppresseur au dernier point, et que le grand nombre a pris les armes contre ce pouvoir que désapprouvaient les sentiments communs du peuple. Voilà tout ce que ces documents pourront prouver contre nous. Ils feront voir de plus que la majorité des dépositions faites contre les personnes qui y sont concernées étaient fausses, fondées sur des faits erronés. Mais disent les hons. membres, l'impression de ces papiers coûtera des sommes énormes. Mais est-ce donc que l'impression de la grande masse de papiers ne pourrait pas être aussi désirable, aussi utile, que l'impression de la grande masse des papiers du département des sauvages dans le Haut-Canada? Dans la production des papiers que nous demandons il y a au moins un but d'utilité général, celui de montrer combien, dans des moments d'irritation comme ceux-ci, les autorités du pays ont pu à tort se permettre de violer la constitution, et de démontrer par ces moyens combien étaient justifiables ceux qu'elles avaient poussés à la résistance.

C'est pour cela encore que je demande la production de ces papiers, dans un moment où elles peuvent être facilement produites par la décharge des accusés et la condamnation des accusateurs. Et pour cela, il n'est pas nécessaire de produire la masse entière de ces dépositions. Il y en a une foule qui sont sans aucune importance. Un comité nommé par la Chambre, con-signant toutes ces pièces, mais faisant un choix de celles qui seraient nécessaires pour constater jusqu'à quel point la légalité a été violée, jusqu'à quel point toutes les formes ont été mises de côté, jusqu'à quel point la résistance du peuple était excusable, ne peut avoir aucun inconvénient, et

peut nous donner les moyens de refuter des accusations qui pèsent sur un grand nombre d'hommes parfaitement innocents.

Je ne comprends pas qu'il puisse y avoir raison d'hésiter à demander la production de ces documents, s'il peut être utile de connaître la vérité, quand il est possible de l'établir. Il me semble être important que la production de ces pièces ne soit pas renvoyée à une époque indéterminée où elles ne pourront manquer de conserver un caractère qu'il est contre notre intérêt comme contre notre devoir d'aider à faire prévaloir. Des considérations qui sont de stricte justice me semblent devoir porter la Chambre à insister à se faire mettre ces archives sous les yeux. Il ne suffit pas à l'administration pour se justifier de ne pas nous laisser avoir ces pièces, de nous dire comme sujet de reproche contre la dernière administration; pourquoi l'administration précédente ne les a-t-elle pas demandées? C'est sans doute que son attention s'est portée sur d'autres sujets. Mais du moment qu'un corps indépendant, qui veut veiller à la conservation de ses droits, est appelé à demander une production de papiers qui est dans ses attributions, et qu'on ne lui donne pas de bonnes raisons de refus, toute personne qui aime l'indépendance de ce corps doit insister sur son droit, et acquiescer à une pareille demande.

Quant aux chants de triomphe qu'on dit s'être fait entendre dans plusieurs petites villes du Haut-Canada, tout ce que je puis en dire, c'est que dans toutes les parties du pays et sur toutes les questions d'intérêt public, le peuple a droit de se réunir et de délibérer. Il le fait quelques fois sur le faux exposé des faits, quelques fois par précipitation et par erreur, mais toujours il est dans son droit tant qu'il se tient dans les bornes de la légalité. Le peuple pourra faire connaître ses vues quand il sera appelé à donner son vote aux élections. Jusque là nous devons écouter avec déférence les requêtes de qui que ce soit, mais nous ne devons pas être intimidés, ou influencés dans nos décisions par les menaces des assemblées soit des campagnes ou des petites villes de London ou d'Hamilton. Il y a eu une grande liberté de discussion sur cette question et une grande majorité des représentants, interprètes fidèles en cela des vœux du pays, ont reconnu que l'indemnité était un acte de sage politique.

Les hons. membres de l'autre côté de la Chambre veulent néanmoins continuer la discussion. Ils prétendent que les suffrages du peuple seront pour eux lorsqu'ils en viendront à discuter la question face à face avec leurs opposants sur les hustings. Ça se peut; mais nous avons entendu souvent de ces chants de triomphe assuré de la part de ce parti et tout cela s'est évanoui, quand les suffrages ont été recueillis. Il en sera encore de même, si l'on prend pour motif de discussion une mesure pareille déjà votée pour le Haut-Canada.

Mais cette question est incidente, étrangère à l'objet qui nous occupe. La production des pièces qu'on demande, est la production de pièces qui sont accessibles au public, qui sont ou devaient être confiées comme dépôt entre les mains des officiers des cours de justice et que l'on dit avoir été arrachées de leurs mains pour être portées ailleurs. Si les faits étaient vrais, il pourrait y avoir des raisons, des motifs de savoir pourquoi cela a eu lieu; comment il se fait que nombre de ces pièces ont été soustraites. S'il y a eu véritablement quelques unes de ces pièces de soustraites, et cela est possible dans des circonstances pareilles, c'est à la législature à s'en assurer et à voir à ce que ça ne puisse plus se faire. Mais le seul allégué



de pareils faits, ne doit pas être pour cette Chambre une preuve suffisante, ni suffire pour lui faire refuser de se rendre à une demande comme celle qui nous est faite. Il est de toute justice et d'équité pour cette Chambre de se rendre à un vœux aussi raisonnable.

Ce système, je le répète, de secret et de mystère de la part de l'administration ne me paraît pouvoir convenir dans aucune circonstance. C'est peu à peu, pour ne pas dire à grands pas, retourner vers un ancien ordre de choses qu'ont déploré les hon. membres eux-mêmes, lorsque le gouvernement était quelque chose de trop indépendant du pouvoir représentatif, pour pouvoir agir sans arbitraire, et autrement que contre l'intérêt public, ce qui a amené les troubles dont le souvenir nous a tant préoccupé depuis quelques jours. Le refus de donner toute la publicité possible à tout ce qui se fait dans cette Chambre, semblerait de notre part être une crainte de faire connaître nos démarches. Le cabinet, s'il a confiance dans la pureté de ses motifs, dans la justesse de ses vues, devrait porter en tout temps l'administration à être facile sur la production des papiers que lui demande cette Chambre.<sup>23</sup>

MR. CHRISTIE did not like the mystery that was thrown over a simple address from correspondence. If the papers had been abstracted they had a right to know it. The payment of the indemnity would be left to commissioners, and he did not see what harm the evidence of the papers could do. He could not see what mischief could arise from the House having the whole of the papers before it. There was some mystery in the thing, he had learned of the correspondence before. If there were any things that would inculcate the hon. member for Montreal he should not wish that, but he could not see why they should not have the papers.<sup>24</sup>

MR. H. SHERWOOD contended that the documents were of a public nature, and that the Ministry had no right to withhold them; that they might afford very important information on the question upon which they had lately had so much debate, and whether or not, the laying the papers before them could do no harm.--Public rumour said that certain documents were sent from Montreal to Kingston in large boxes, at the time the Attorney General, East, was in office. Those papers inculpated many persons of having taken part in the rebellion, and it was said that those papers had never been seen since--that they had been destroyed. He had also heard that they were in the old Court house in this city at the time it was destroyed by fire, and that they, along with many other records were then burnt; but he had heard this statement contradicted, and that the papers were never deposited in that building. The object of the Address was to ascertain what had become of the papers. Whether they had been destroyed or abstracted, as was stated; and he did not think that the Ministry would be doing justice to themselves or the country in refusing the Address.<sup>25</sup>

MR. J. SMITH, of Durham, made some remarks on the conduct of the members opposite, whom he said cared not about disturbing or injuring the peace and prosperity of the country, if they thought that it would be likely to restore them to office; and accused them of having created the excitement which had lately prevailed, by misrepresentations of the measure introduced by the Ministry.<sup>26</sup>

MR. H. BOULTON of Norfolk, saw no good end which could be derived from

the introduction of the papers.<sup>27</sup>

MR. INSP. GEN. HINCKS said that the Ministry would furnish the information if the House wanted it. It was their duty to state whether they thought it would be for the public good to produce the papers or not, and then leave it to the House to decide whether it should be granted or refused. They had heard a great deal about the public meetings which had been held; now he would say that most of them were composed of persons who had never supported the Ministry, they were not attended by persons who had ever supported them.<sup>28</sup> ((They)) had been got up entirely by the opponents of the Ministry.<sup>29</sup> The meeting held in the Bonsecours Market was not a public meeting, in the true sense of the word; it was a meeting of a certain class of persons, of those persons who were opposed to the Ministry; they were a minority which was shamefully beaten at the last election; and now they had the audacity to come forward and declare that they had no confidence in his hon. friend from Montreal, and to call them to resign. Had his hon. friend ever enjoyed the confidence of those persons, or had they been elected by them? No; for those persons had done all in their power to prevent his friends from being returned, and they had no right whatever to call upon them to resign.<sup>30</sup> So in Oxford, a meeting had declared their want of confidence in himself, but none of those who took part in it, had ever had any confidence in him. The same thing had occurred in Kent; very few of the persons who had voted for the sitting member had taken part in the demonstration made in that country (sic).<sup>31</sup> All the meetings which had been held from the one end of the Province to the other were got up by the same party which had been so shamefully defeated at the last election.<sup>32</sup> To print these papers would cost the country thousands of pounds, without serving any purpose whatever. He moved in amendment that the motion be taken into consideration that day six months.<sup>33</sup>

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*The Honorable Mr. Hincks moved, seconded by Mr. Cauchon, and the Question being put, That the consideration of the said Motion be postponed until this day six months; the House divided:--And it passed in the Negative.*

MR. SOL. GEN. DRUMMOND did not think the hon. members opposite would have made the motion, if they had thought on the consequences of the production of the papers. Was it right after an elapse of eleven years to call for the production of papers which would have the effect of breeding bad feelings amongst the members of their committee? Was it right to set men against one another about things which ought to be buried in oblivion.<sup>34</sup>

MR. CHRISTIE had no desire to create expense or excitement, they did merely wish to know whether it was true that the papers and correspondence respecting certain persons implicated in the rebellion had been abstracted, and if they had, to ascertain under what circumstances it had been done.<sup>35</sup>

MR. W. SCOTT, of Two Mountains, made some remarks against the publishing of exparte evidence taken before a secret tribunal, which it was not intended to have made public.<sup>36</sup>

MR. NOTMAN made a few remarks about the public meetings which had been held, and said that the people had been deceived by misrepresentations, and read a letter from a gentleman in his county, which stated the Governor's

speech had been received there, and that the people were highly delighted with it, and with the Amnesty Bill; and that extreme political tranquillity, such as he had never seen before, prevailed in consequence of the unbounded confidence which the people had in the ministry and the House of Assembly, as it was now composed.<sup>37</sup>

COL. PRINCE said, that there was not a word in the letter about the Resolutions, and that from the great delight with which the hon. member's correspondent spoke about the Amnesty Bill, it was more than probable he was one of the parties for whose benefit it had been procured. There was not much weight to be attached to an anonymous letter; but he would read them something which afforded better evidence of what the feelings of the country were, than could be obtained from a letter.--The hon. member then read the resolutions passed at a meeting of the inhabitants of the County of Middlesex, held in London, condemnatory of the Resolutions introduced by Mr. Lafontaine; some of the resolutions were moved or seconded by gentlemen whom he knew to be reformers.<sup>38</sup>

MR. NOTMAN said, not one of the persons who proposed or seconded any of the resolutions had voted for him.<sup>39</sup>

SIR A. MACNAB read some resolutions passed at a public meeting held at Hamilton, condemning the measure for the payment of the Rebellion Losses; and made some remarks in answer to the charges which had been made against the members on his side of the house, misrepresenting the Resolutions of Mr. Lafontaine to the people of Upper Canada. He had not written a single letter about them; he had merely sent the resolutions without a single word of comment on them, and the people had expressed their opinions on the resolutions from having read them themselves. All the misrepresentations which had been made had come from the other side of the house.<sup>40</sup> The hon. and gallant Knight called the attention of the Solicitor Gen. West, to the fact that the Editor of the Pilot had taken the liberty of publishing in an extra, a version of his Speech on this question<sup>41</sup> issued in the form of a pamphlet, and very extensively circulated, and he (Sir A.) found upon reading it that it was very different from the speech as it was delivered in the house. He had compared the speech as contained in the pamphlet, with the reports in the newspapers, and found that they all differed from the speech as contained in the pamphlet.<sup>42</sup>

A voice.--It is only abridged and corrected.<sup>43</sup>

SIR A. MACNAB.--Very well, he (Sir Allan) had no objection to the hon. gentleman publishing their Speeches, but his friends would publish their speeches corrected too. He denied that he had ever written to any one on this subject, the only way in which any one had heard from him on the subject, was through the reporters.<sup>44</sup> The hon. Solicitor General was afraid to let it go forth to the country as he had delivered it.<sup>45</sup>

MR. SOL. GEN. BLAKE was quite aware that the report alluded to by the gallant Knight had been published, he had with his own hand sent off hundreds of copies of it, and he wished it to be widely circulated.<sup>46</sup> He had only abridged and corrected the report which appeared in the newspapers; he wished it had been published as it had been spoken.<sup>47</sup>

SIR A. MACNAB wished it had. He had no objections to the hon. member's



doing what he had done; it was not dealing very fair with the house, however.<sup>48</sup>

MR. ASST. COM. P. W. CAMERON (Kent), thought it well, that as the Reporters had not time or space to publish everything that was said in the House, the country should see much time was wasted; they had been now talking for three hours, and not one argument had been advanced, and this when there was so much business of importance before the House.<sup>49</sup> The resolutions which had been passed at a meeting in the County of Kent, proceeded only from his political opponents. It would be found that the persons who proposed and seconded the Resolutions, were all persons who had formed part of the committee of the late Solicitor General<sup>50</sup> Hon. J. H. Cameron<sup>51</sup> at the last election. (Oh! Oh!)<sup>52</sup> Not from his own friends.<sup>53</sup>

MR. PAPINEAU was astonished at the Ministry opposing the production of the papers; it was an act of injustice towards the parties whose characters they affected, to withhold them, and he thought the Ministry had no right to refuse the papers.<sup>54</sup>

MR. SOL. GEN. BLAKE expressed a good deal of astonishment at the hon. member for St. Maurice asserting that it was an act of injustice on the part of the Ministry, to refuse to produce papers which contained low, base, and false accusations against that hon. member's compatriots--accusations which were more low and base, because they were brought against people who had not the slightest opportunity of defending themselves. His humble view was the accusation brought against his hon. friend, had elevated him in the opinions of hon. members, for if there were any truth in the allegations made, that his hon. friend had been concerned in one of the greatest crimes that could be committed by an officer of the Crown, he could not believe that he would have been allowed to escape, when hon. members opposite had it in their power to punish him. He therefore congratulated his hon. friend, and could assure him that he had only risen in his opinion, in consequence of this accusation.<sup>55</sup> The honble gentleman then referred to the term--Bombastes Furioso--applied to him by the hon. member for Hamilton. He would remind that hon. gentleman that he had himself made use of language towards hon. gentlemen sitting near him, well calculated to excite him to the highest indignation, but there was no single word he had used himself, during the whole course of that debate, that he would retract, for during the whole course of his existence, he had never applied a single word to one person, that he was not prepared to seal with his blood; for he thanked his Maker, his was not a coward's heart.<sup>56</sup>

SIR A. MACNAB said the hon. gentleman opposite seemed to have prepared himself to make an attack on him. He was at liberty to do so; but he appealed to any member in the House, if he had made any attack on that hon. member, till he (Mr. B.) attacked him. Did not that gentleman attack the hon. member for Essex? Did he not make some personal attack every time he rose? Did he not allude to by-gones, to which he had no right to allude? Did he not speak to him as Sir John Falstaff? Had he not scarce rewritten his speech with the same allusion and sent it all over the country? He was not, he confessed, so ready as gentlemen opposite, to seal everything with the last drop of his blood; but when he did say so, he would do it. He merely retaliated when he spoke of Captain Bombastes Furioso.<sup>57</sup>

MR. AT. GEN. BALDWIN hoped his hon. friend from Oxford, would withdraw his motion; or he should have to vote against it. It was the duty of the Administration, to negative the motion altogether, and he was prepared to do so, and not to get rid of it by any other vote.<sup>58</sup>

M. CHAUVEAU.--Je suis de ceux qui aiment à avoir, dans toutes les circonstances, la meilleure opinion de l'humanité en général et de citoyens en particulier. J'ai toujours observé que la révélation des dépositions, des papiers et documents pendant les troubles politiques sont ce qu'il y a de propre à donner l'opinion la plus dégoûtante de la société humaine. Qu'on regarde les documents qui ont rapport aux troubles qui ont eu lieu en Italie, par exemple, et l'on verra des hommes d'ailleurs honnêtes donner leur déposition contre ceux mêmes avec qui ils avaient marché. On remarque des faits de cette nature, non seulement en Italie, mais encore en Allemagne, en France et partout, où, après quelque révolution, il y a eu publication donnée à de pareils documents. J'ai remarqué que dans toute révolution c'était précisément ce qu'il y avait de plus choquant, de plus répugnant.

Je ne vois pas pourquoi on demanderait ici, aujourd'hui, la publication de pareils papier, quand le gouvernement veut bien passer un voile sur tous ces malheureux événements, et les jeter dans un oubli parfait. Ces papiers ne pourraient que faire renaître des discussions sans but, qui ne peuvent que mener à une agitation comme celle qui est résultée de la présente question, qui aurait dû être traitée d'une toute autre manière qu'elle ne l'a été dans cette Chambre, et hors de cette Chambre. Je crois qu'il doit y avoir une fin à de pareilles discussions, et que le meilleur moyen d'y parvenir serait de ne pas publier tout ce qui a rapport à cette époque.

Je crois que nous en avons déjà trop entendu parler pour l'honneur de tout le monde. Pour ces raisons, je supporterai l'administration contre la motion de l'hon. member pour Hamilton. Cette demande de sa part me paraît contradictoire avec les résolutions de l'hon. procureur général, sur l'indemnité. Tous les actes de nos troubles doivent être considérés comme nuls, aussi bien que les dépositions faites dans ce temps-là, contre qui que ce soit. Tout le monde convient que le régime de la terreur est celui qui a régi le pays à cette époque.

Les dépositions prises alors ne doivent faire tort à personne; elles ne peuvent faire de tort qu'en ce sens, qu'elles peuvent créer des animosités entre des personnes appelées à vivre en bonne intelligence. Les fautes commises alors doivent être oubliées. On sait que dans des circonstances pareilles un gouvernement est souvent obligé d'avoir recours à des moyens qu'il n'employait pas dans d'autres temps, et qu'il trouvait toujours des hommes mercenaires et vils pour le servir, et qui font, d'après une phrase vulgaire, plus que le valet du diable, qui font plus qu'ils ne devraient faire. Ce sont là des choses inévitables, qui doivent s'oublier. Je voterai donc contre la motion de l'hon. membre pour Hamilton.<sup>59</sup>

MR. MCCONNELL would vote for the motion, in the hope that it would throw some light on the subject of those who were engaged in the rebellion<sup>60</sup> which would prove of great use to them.<sup>61</sup> It would appear as if something had been kept in the dark, and that the Ministry wished still to keep such things in the dark. He was a plain man, and represented plain humble people, but it seemed as if the feelings of some parties were becoming very fine when it was argued that the production of the papers asked for would hurt the

feelings of the children of the parties implicated by them. The events of 1837 and 1838 had been called unfortunate troubles; but, in his plain manner of speaking, he would call these troubles by the right name--rebellion.<sup>62</sup>

COL. GUGY defended the persons who had appeared as accusers against the parties prosecuted in 1837 and 1838. If he (Colonel Guky) were the witness, he should say that those who came forward in those times did so with the greatest reluctance, because these persons were neighbours. They were only actuated by the motives which ought to influence men on such occasions--their duty to their Sovereign and society--the duty of saving Montreal from being set on fire from one end to the other. The hon. member called the conduct of these persons base and low, because they had made these charges behind the backs of the accused, but the hon. member knew well that no prosecutor sought out the person against whom he was about to prefer an accusation. The relative position of the parties made that impossible. Were they, then, to be called base and low because the Government did not prosecute these people?<sup>63</sup>

MR. J. S. MACDONALD (Glengarry) complained of the length of time, and personal character of the debate, which had occupied the last fortnight. The hon. member for Hamilton had declared that the Glengary (sic) men were a parcel of thieves--that they had come down to Beauharnois, and participated in the plunder<sup>64</sup> during the troubles of 1837-38.<sup>65</sup>

SIR A. MACNAB denied ever having made any such charge against the people of Glengarry.<sup>66</sup>

MR. J. S. MACDONALD ((continued:)) The hon. member said that the men of Glengary (sic) was (sic) brave, but they did not want that character from one side of the House or the other. The Queen herself had thanked them for their successful efforts to preserve tranquillity. The people of British origin of Lower Canada were ready enough to avail themselves of the services of these brave men, and they subscribed money to bring these men down to Montreal; but when they got them there they staid (sic) at home, and sent the Glengary (sic) men and the Irish to keep the present hon. member for Montreal out of his seat. He could not, he confessed, participate in the feelings of those British, who talked about exterminating the French. He desired nothing of the kind; he wished for nothing but justice. That justice had not always been awarded to those breechless Highlanders. They came from their native country for their loyalty to Prince Charlie, and after the affair of 1745 settled in the United States. When they found they were no longer proscribed, they became loyal, and when the United States were separated from the Empire they left their homesteads and adhered to their Sovereign. Here the honorable member read<sup>67</sup> some six pages of Smollet's history of England to show<sup>68</sup> what took place in Scotland, after the battle of Culloden, and said that similar atrocities on a smaller scale were perpetrated in Lower Canada. The honble member then went over the principal arguments which have been used in the repeated debates on this subject. He admitted the country was now in a very unsatisfactory state. Alarm was excited through Upper Canada. It was the general declaration that Canada must be annexed to the United States, rather than subject to a Radical majority--to a French party. All this was unnecessary excitement. It destroyed the credit of the country, and kept back the most useful measures.



This session would be one of very great length. It was evident that every measure would be opposed by all kind of unfair and useless debates, and incidental motions, which would protract the session to a most expensive length. The people of the country would find that out, and would know who were the true friends of the country. He believed, notwithstanding all that had taken place, that the opinion of U. Canada, was undergoing a change, and that the people there would shortly see the subject in the proper light.-- The following is the quotation of the hon. member; from Smollet's History. "That road as far as Inverness, was strewd with dead bodies, and a great number of people who from motives of curiosity, had come to see the battle, here sacrificed to the undistinguished vengeance of the victors. The glory of the victory was sullied by the barbarity of the soldiers. They had been provoked by their former disgrace to the most savage thirst of revenge--Not contented with the blood which was so profusely shed in the heat of action, they traversed the field after the battle and massacred (sic) the miserable wretches, who laid maimed and expiring--nay some officers acted a part in this cruel scene of assassination, the triumph of low illiberal minds, un-inspired by sentiment, untinged by humanity"--Again. "In the month of May the Duke of Cumberland advanced with the Army into the Highlands, as far as Fort Augustus when he encamped, and sent 71 detachments on all hands to hunt down the fugitives, and lay waste the Country with fire and sword. The Castles of Glengary (sic) and Lochiel were plundered and burned--every house, hut or habitation met with the same fate, without distinction. All the cattle and provision were carried off. The men were either shot upon the mountains like wild beasts, or put to death in cold blood without form of trial. The women, after having seen their husbands and fathers murdered, were subjected to brutal violation, and then turned naked with their children, to starve on the barren heaths. One whole family was enclosed in a barn, and consumed to ashes. Those monsters of vengeance were so alert in the execution of their office, that in a few days there was neither house, cottage, man, nor beast to be seen in the compass of fifty miles, all was ruin, silence and desolation."<sup>69</sup>

MR. H. SHERWOOD (Toronto) said, that neither he nor his friend had made factious opposition; when the government had brought forward good measures, they had supported them<sup>70</sup> and instanced the Common School Bill introduced the preceding day. But he would never, while he had breath, refrain from opposing the monstrous and iniquitous<sup>72</sup> measure for paying these losses, and defeating it, if he could. The hon. member had, like other gentlemen, pretended to justify the rebellion, and he did so by talking about the clergy reserves, and the college test. Now, who abolished the test, and who prevented the continuance of ecclesiastical interference in King's College? He took credit to himself for having brought about that change; he carried it in 1837. Then, who put the clergy reserves upon the footing on which they now stood? He claimed the credit for that also, and he had received the thanks of Lord Sydenham for so doing. He ridiculed the idea of any one being in favour of annexation. He knew that no considerable portion of the people would be in favour of such a move. As to the credit of the province being improved since the present ministry came in, the simple fact was, that commercial affairs had very much improved since the present ministry came into power.<sup>73</sup> The hon. gentleman (McDonald, Glengary (sic),) had made a speech for some of his constituents who were within hearing.

He could tell the hon. gentlemen on this side of the house<sup>74</sup> the anecdote had merely been mentioned as a joke, for had the people taken the horses, they would not have been robbers, under the English law, since property so taken was confiscated. But he never believed that the Glengarry men took the horses.<sup>75</sup> He had a high opinion of the Highlanders; he thought that they were a brave race, and possessed a chivalrous sense of honor. And he knew that was the feeling on his side of the house.<sup>76</sup>

MR. WILSON ... rose, looked waggishly around, and said--Mr. Speaker, I have really nothing to say; but I do hope the House will allow me to say nothing! I will, however, Mr. Speaker, tell you a story which will not be applicable to any Honorable Member of this House! It will not at all apply to the Hon. Member for Norfolk--or for Essex or Gaspé, or any intervening Member. There are other Honorable Members, who have a peculiar tact in applying the point of stories to others; and it cannot apply to them!

Well, Mr. Speaker there was in the Parliament of Upper Canada, in the good old times, a certain Member who had never spoken, and never did speak in that House but once, and it was when, like now, every one had spoken about nothing for six hours. This member, like some others here, got out of all patience, but having a sad impediment in his speech, like all others who have, stammered more, because he was angry. This Member, I say, got up, and with great effort said,--M-M-M-Mr. Spe-Spe-Speaker! It wo-wo-would be a gr-gr-great blessing to the country, if God Almighty h-h-had aff-aff-afflicted all the Members of th-th-this House as he has me, Mr. Speaker!<sup>77</sup> He might say the same on the present occasion.<sup>78</sup>

SIR A. MACNAB rose to explain that he had the highest respect for the character of the people of Glengarry, and to show that the people were convinced of this, he said he had much pleasure in stating that he received a letter from some of them that day, addressed to him in conjunction with the hon. member for Stormont. Sir Allan then read the letter which contained a series of resolutions passed at a meeting held at Williamstown, on the subject of the rebellion losses, and asking him and Mr. McLean to do the signers of the resolutions the honour of laying them before His Excellency the Governor General. Sir Allan had<sup>79</sup> took it to be a high compliment for them to send their petition to him. He had<sup>80</sup> never uttered anything against the inhabitants of Glengarry<sup>81</sup>, always stood by them<sup>82</sup>, always looked upon them as an upright, respectable class of people.<sup>83</sup>

MR. J.S. MACDONALD maintained that such insinuations as he had alluded to had been made against them, and even the gallant knight had stated the other evening that 1800 of the breechless people of Glengarry had gone down to Beauharnois on foot and had gone home on horseback.<sup>84</sup>

SIR A. MACNAB had no recollection, of ever hearing such a statement made in the House. He had made the remark that Glengarry was the most Scotch place in Canada, for there were 1800 McDonald's in it, and that a great number of them spoke Gaelic and wore kilts.--(Laughter.)<sup>85</sup>

MR. J.S. MACDONALD still thought such an insinuation had been used. At all events they ought not to make jokes on the people, they might pass such jokes on himself, but he would protest against making them against his constituents. With respect to the meeting spoken of, he knew something about it, and there were none of his supporters present. It might be that

because they were in the minority that they had sent to two hon. gentlemen who were in the minority in the House.--(Hear, hear.)<sup>86</sup>

MR. MCLEAN said there was no mistake about the meeting, which sent down the letter; there were a thousand persons present, and the first cheer was for Sir F. B. Head, and the next for Sir. A. MacNab. The people perfectly understood the thing. At Beauharnois, he was present with the Glengarry men, and their conduct was most praiseworthy. They had not taken even a fowl without paying for it; but had behaved throughout like brave, loyal men.<sup>87</sup>

(114)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Dickson, Gugg, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Papineau, Prince, Sherwood of TORONTO, and Stevenson.--(15.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Solicitor General Elan, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Clénet, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Evans, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENMARRY, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Notman, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(44.)

So it passed in the Negative.

Peterborough  
Incorporation  
Bill.

Ordered, That Mr. Hall have leave to bring in a Bill to incorporate the Town of Peterborough.  
He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourteenth day of March next.

Port Burwell  
Harbour Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to incorporate certain persons under the style and title of "The President, Directors, and Company of Port Burwell Harbour."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Leave of  
absence.

Ordered, That Mr. Sherwood, of Brockville, have leave to absent himself from this House, for two weeks from this date, on urgent business.

Ordered, That Mr. Burritt have leave to absent himself from this House, for eight days, on urgent private business.

District Courts  
(U. C.) Bill.

Ordered, That Mr. Smith, of Durham, have leave to bring in a Bill to amend and extend the provisions of the Act of this Province, intituled,



"An Act to amend, consolidate, and reduce into one Act, the several Laws now in force establishing and regulating the practice of the District Courts of the several Districts of that part of this Province formerly Upper Canada," and to increase the jurisdiction of the said District Courts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Personal Pro-  
perty Attach-  
ment Bill  
(U. C.)

Ordered, That Mr. Smith, of Durham, have leave to  
bring in a Bill to authorize Attachments against  
property for sums of Ten pounds and under, in  
certain cases in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Gallery of the  
House.

Sir Allan N. MacNab moved, seconded by Mr. M'Lean,  
and the Question being put, That the Order of this  
House, of the 19th instant, depriving all persons  
from access to the Galleries, excepting those having tickets from Members,  
be rescinded, inasmuch as the same is inconvenient in practice, and fre-  
quently improperly excludes persons having great interest in the matters  
before the House.<sup>88</sup>

SIR A. MACNAB could not see any reason why those who came to the city and had important business before the House should not have the privilege of being present, without a ticket.<sup>89</sup> Tickets were issued, and were reserved for several days, in order that they might admit the holders to some debate, which it was supposed would be interesting. Thus the galleries were often only partially filled, while persons were desirous of being present. He did not get his tickets back, and thus could not admit his friends.<sup>90</sup>

MR. H. BOULTON hoped that the motion would be allowed to pass.<sup>91</sup>

MR. AT. GEN. BALDWIN had not observed any inconvenience from the ticket system and would oppose the motion. He thought it inconvenient to have the galleries crowded.<sup>92</sup>

SIR A. MACNAB said that the door keepers might receive orders to admit till the galleries were full.<sup>93</sup>

MR. CAYLEY said, that strangers might like to hear the debates, and without knowing any of the members they would not like to ask them.<sup>94</sup>

The motion was supported by MESSRS. ... MCLEAN, and W. SCOTT of Two Mountains.<sup>95</sup>

It was opposed by MR. CHABOT<sup>96</sup>.

(114)

The House divided:--And the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of NORFOLK, Boulton of TORONTO, Cayley,  
Crysler, Dickson, Gagy, Johnson, Macdonald of GLENGARRY, Sir Allan N. MacNab,  
Malloch, M'Connell, M'Lean, Seymour, Sherwood of TORONTO, and Stevenson.--(16.)

## NAYS.

Messieurs Attorney General Baldwin, Bell, Solicitor General Blake, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Solicitor General Drummond, Dumas, Flint, Fortier, Fournier, Hincks, Holmes, Attorney General LaFontaine, M'Farland, Merritt, Méthot, Mongenais, Morrison, Notman, Papineau, Polette, Price, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(30.)

So it passed in the Negative.

Toronto and  
Lake Huron  
Railroad Act  
Amendment Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to amend the Toronto and Lake Huron Railroad Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Road and  
Bridge Bills.

Ordered, That Mr. Bouthillier and Mr. Lemieux be added to the Select Committee to which was referred the Bill to authorize the formation of

Joint Stock Companies in Upper Canada for the construction of Plank, Gravelled, or Macadamized Roads therein, and the Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada.

Militia Act.

Mr. Fortier, from the Committee to consider the expediency of amending that part of the Act 9 Vic.

c. 28, which relates to the enrolment of, and fines to be imposed on,

(115)

Quakers, Menonists, and Tunkers, and of substituting other provisions in lieu thereof, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to repeal that part of the Act 9 Vic. c. 28, which relates to the enrolment of, and fines to be imposed on, Quakers, Menonists, and Tunkers, and to substitute other provisions in lieu thereof.
2. Resolved, That it is expedient to revive the provisions contained in the Act 4 and 5 Vic. c. 2, relating to the mode of collecting and appropriating Militia Fines.

The said resolutions being read a second time, were agreed to.<sup>97</sup>

MR. MERRITT observed they were a class of Quakers, who would not serve as Militia men, and the object was to exempt them on paying a certain sum.<sup>98</sup>

(115)

Militia Act  
Amendment Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to repeal part of and to amend the Act regulating the Militia of this

Province, in so far as regards the enrolment of and fines imposed upon Quakers, Menonists, and Tunkers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Common Schools.

Mr. Dumas, from the Committee on the subject of making an appropriation for Common Schools purposes,

reported a Resolution; which was read, as followeth:--

Resolved, That it is desirable that an annual sum of One hundred thousand pounds should be raised from the Public Lands of this Province, for the maintenance and support of Common Schools therein, and that so much of the first monies to be raised by the sale of such Lands as shall be sufficient to create a Capital which shall produce the said annual sum of One hundred thousand pounds, at the rate of six per cent per annum, shall be set apart for that purpose.

The said Resolution, being read a second time, was agreed to.

Common School  
Education Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to raise an income of One hundred thousand pounds out of the Public Lands of Canada, for Common School Education.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Inland Bills of  
Exchange and  
Promissory  
Notes Bill.

The Order of the day for the second reading of the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Holmes, the Honorable Mr. Badgley, the Honorable Mr. Sherwood, Mr. Morrison, Mr. Cartier, Mr. Chabot, and Mr. DeWitt, to report thereon with all convenient speed; with power to send to persons, papers, and records.

Thompson's  
Relief Bill.

The Order of the day for the second reading of the Bill for the relief of Joseph Richard Thompson, being read;

Ordered, That the Bill be read a second time, on Monday, the twelfth of March next.

Bill to abolish  
imprisonment  
for Debt.

The Order of the day for the second reading of the Bill to abolish Imprisonment for Debt, and to punish fraudulent debtors, being read;<sup>99</sup>

MR. BADGLEY proposed to withdraw his bill to abolish imprisonment for debt.<sup>100</sup>

MR. CARTIER was sorry to see the bill withdrawn. At present the debtor was in a worse position than a robber. The robber could only be imprisoned for two or three years, whereas the debtor might continue incarcerated for life. In France the debtor could only be imprisoned, after judgment, for a certain length of time. Why continue the exploded system in Canada? He thought the system might be put on the same footing here as in France.<sup>101</sup>

(115)

On motion of the Honorable Mr. Badgley, seconded by Sir Allan N. MacNab,

Ordered, That the said Order be discharged.



Ordered, That the Bill be withdrawn.

Bill to relieve  
certain persons  
from Arrest  
Debt.

The Order of the day for the second reading of the Bill to relieve from Arrest for Debt in Lower Canada persons residing in Upper Canada, being read;

On motion of the Honorable Mr. Badgley, seconded by Mr. Gugy.

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Bill to facilitate  
Actions against  
unincorporated  
Bodies.

The Order of the day for the second reading of the Bill to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Societies and Companies, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Chauveau, Mr. Chabot, the Honorable Mr. Badgley, Mr. Lemieux, and Mr. Cartier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Gugy, seconded by the Honorable Mr. Badgley,

The House adjourned.

APPENDIX: 28 FEBRUARY 1849.

((POSTPONED MOTION RE: BILL TO ALTER ELECTORAL DIVISIONS OF QUEBEC.))<sup>102</sup>

MR. CHAUVEAU moved for leave to bring in a Bill to alter the electoral divisions of Quebec.<sup>130</sup>

MR. AT. GEN. LAFONTAINE hoped the hon. member would not press his motion; there was a Bill before the House to amend the Election Law, and the hon. member could have a clause inserted in that. He thought it would be inconvenient to have two Bills on the same subject.<sup>104</sup>

MR. CHAUVEAU consented to postpone his motion for a fortnight.<sup>105</sup>

FOOTNOTES: 28 FEBRUARY 1849.

1. The debate on this matter was reported by: L'AVENIR, 17 March 1849; LE JOURNAL DE QUEBEC, 3 March 1849; MONTREAL GAZETTE, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts; PILOT, 2 March 1849, and GLOBE, 10 March 1849, in identical accounts, except that GLOBE omitted a number of speeches; LA MINERVE, 1 March 1849, noted the debate; and MORNING CHRONICLE, 2 March 1849, ST. CATHARINES JOURNAL, 8 March 1849, GLOBE, 3 March 1849, and BRITISH COLONIST, 2 March 1849, noted the debate in identical accounts. Wherever necessary, the GLOBE, 10 March 1849, will be used instead of the PILOT, 2 March 1849, and the HAMILTON SPECTATOR, 10 March 1849, instead of the MONTREAL GAZETTE, 2 March 1849, as both PILOT and MONTREAL GAZETTE are difficult to read.
2. GLOBE, 10 March 1849.
3. HAMILTON SPECTATOR, 10 March 1849.
4. GLOBE, 10 March 1849.
5. HAMILTON SPECTATOR, 10 March 1849.
6. GLOBE, 10 March 1849.
7. HAMILTON SPECTATOR, 10 March 1849.
8. GLOBE, 10 March 1849.
9. HAMILTON SPECTATOR, 10 March 1849.
10. GLOBE, 10 March 1849.
11. HAMILTON SPECTATOR, 10 March 1849.
12. GLOBE, 10 March 1849.
13. HAMILTON SPECTATOR, 10 March 1849.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. L'AVENIR, 17 March 1849.
24. HAMILTON SPECTATOR, 10 March 1849.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. GLOBE, 10 March 1849.
30. HAMILTON SPECTATOR, 10 March 1849.
31. GLOBE, 10 March 1849.
32. HAMILTON SPECTATOR, 10 March 1849.
33. GLOBE, 10 March 1849.
34. HAMILTON SPECTATOR, 10 March 1849.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.



40. IBID.
41. GLOBE, 10 March 1849.
42. HAMILTON SPECTATOR, 10 March 1849.
43. GLOBE, 10 March 1849.
44. IBID.
45. HAMILTON SPECTATOR, 10 March 1849.
46. GLOBE, 10 March 1849.
47. HAMILTON SPECTATOR, 10 March 1849.
48. IBID.
49. GLOBE, 10 March 1849.
50. HAMILTON SPECTATOR, 10 March 1849.
51. GLOBE, 10 March 1849.
52. HAMILTON SPECTATOR, 10 March 1849.
53. GLOBE, 10 March 1849.
54. HAMILTON SPECTATOR, 10 March 1849.
55. GLOBE, 10 March 1849.
56. PILOT, 2 March 1849.
57. IBID.
58. IBID.
59. L'AVENIR, 17 March 1849.
60. PILOT, 2 March 1849.
61. HAMILTON SPECTATOR, 10 March 1849.
62. PILOT, 2 March 1849.
63. IBID.
64. IBID.
65. HAMILTON SPECTATOR, 10 March 1849.
66. IBID.
67. PILOT, 2 March 1849.
68. HAMILTON SPECTATOR, 10 March 1849.
69. PILOT, 2 March 1849.
70. HAMILTON SPECTATOR, 10 March 1849.
71. PILOT, 2 March 1849.
72. HAMILTON SPECTATOR, 10 March 1849.
73. PILOT, 2 March 1849.
74. HAMILTON SPECTATOR, 10 March 1849.
75. PILOT, 2 March 1849.
76. HAMILTON SPECTATOR, 10 March 1849.
77. PILOT, 2 March 1849.
78. IBID.
79. IBID.
80. HAMILTON SPECTATOR, 10 March 1849.
81. PILOT, 2 March 1849.
82. HAMILTON SPECTATOR, 10 March 1849.
83. PILOT, 2 March 1849.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. The debate on this matter was reported by: MONTREAL GAZETTE, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts; PILOT, 2 March 1849, GLOBE, 10 March 1849, and PACKET, 10 March 1849, in identical accounts.

89. MONTREAL GAZETTE, 2 March 1849.
90. PILOT, 2 March 1849.
91. MONTREAL GAZETTE, 2 March 1849.
92. IBID.
93. IBID.
94. IBID.
95. PILOT, 2 March 1849.
96. IBID.
97. The following was reported by: MONTREAL GAZETTE, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts.
98. MONTREAL GAZETTE, 2 March 1849.
99. The following was reported by: LA MINERVE, 1 March 1849; and PILOT, 2 March 1849, GLOBE, 10 March 1849, and PACKET, 10 March 1849, in identical accounts. A commentary may be found in LE JOURNAL DE QUEBEC, 8 March 1849.
100. PILOT, 2 March 1849.
101. IBID.
102. The following was reported by: LA MINERVE, 1 March 1849; and PILOT, 2 March 1849, and PACKET, 10 March 1849, in identical accounts.
103. PILOT, 2 March 1849.
104. IBID.
105. IBID.

THURSDAY, 1 MARCH 1849.

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Circuit Courts.

MR. SPEAKER laid before the House, Returns of the Clerks of the Circuit Courts in Lower Canada, shewing:--1st. The number of Actions brought.--2nd. The number of Cases decided.--3rd. The number of Cases under Six pounds five shillings:--and 4th. The amount of Fees allowed to Bailiffs, Clerks, and Advocates, during the year 1847, received in conformity to an Order of this House, of the 30th January last.

Appendix  
(C. C. C.)

For the said Returns, see Appendix (C. C. C.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Frontenac,--The Petition of John M'Gill Chambers, of the Township of Montague, District of Bathurst.

By Mr. Méthot,--The Petition of Jesse Joseph, of Montreal.

By Mr. Holmes,--The Petition of James Scott, Esquire, and others, of the Lake St. Louis and Province Line Railway Company.

By Mr. Wates,--The Petition of Patrick Daly, of Drummondville, in the District of Three Rivers.

By Mr. Solicitor General Blake,--The Petition of A. Farewell and others, of the Township of Whitby, Home District.

By Mr. Morrison,--The Petition of John Grubb, President of the Albion Plank Road Company; and the Petition of E. Fisher, President, on behalf of the Etobicoke and Mono Sixth Line Road Company.

By the Honorable Mr. Badgley,--The Petition of J. W. Eaton and others, of the Municipality of the Village of Philipsburgh and the remaining part of the School District, number One, in the Parish of St. Armand West, County of Mississquoi.

By Mr. DeWitt,--The Petition of Robert Cross and others, of the Seigniorie of Beauharnois; and the Petition of Robert Lovell and others, of the County of Beauharnois.

By Sir Allan N. MacNab,--The Petition of E. C. Thomas, Esquire, Chairman, and A. Logie, Secretary, in behalf of a public meeting of the Inhabitants of the District of Gore.

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Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of John Jefferies, Esquire, and others, of Rawdon and other Townships, in the Counties of Leinster and Berthier; praying that the said Counties may be divided into three Counties, as is proposed by a Bill now before the Legislature,--that free grants of certain lands be made to actual settlers,--and that the price of certain other lands be lowered.

Of Alexander Graham, of the Township of Thora; representing that a Clergy Reserve lot in the said Township upon which improvements, understanding that he would have the right of purchase, has been sold to another person under false pretences, and praying for justice in the premises.

Of Walter O'Hara, of Toronto, Esquire, late Assistant Adjutant General



of Militia; complaining of his removal from the said office in the year 1846, after a service of nineteen years, without any sufficient cause having been assigned therefor, or any other provision made for him, and praying for justice in the premises.

Of J. E. LeBlanc, Esquire, and others, of St. Charles and other Parishes; praying that the Circuit Town of the Circuit of Richelieu may be established at St. Denis.

Of James G. Rogers and others, of Haldimand, Seymour, and Percy; praying for the passing of an Act to authorize the Cobourg and Grafton Road Company to construct a Branch Road through certain Townships, to the River Trent.

Of R. J. Williams, late Deputy Returning Officer for the Township of Sullivan at the Election for the County of Waterloo; representing that he has received the summons to appear at the bar of the House, but that he is entirely precluded from a compliance therewith from the want of funds to bear his expenses, and praying for relief in the premises.

Of John M'Golrick and others; praying that the offices of Police Inspector and Superintendent, Police Magistrate, and Queen's Counsel, may be separated, and for certain alterations in the manner of proceeding in the Police Court, Criminal Term, and Quarter Sessions.

Of the President and Directors of the Desjardins Canal Company; praying for a certain amendment of the Act authorizing them to borrow a certain sum of money for the completion of the said Canal.

Of François Dupin and others, of the Parish of St. François du Lac; taking notice of the Petition of Pierre Cartier and others, praying for the confirmation of the appointment of certain Trustees for the construction of a new Church at the Parish of St. François du Lac,--and praying the House not to confirm the same.

Of the Reverend George Slack and others, of the County of Shefford; praying that that part of the Eastern Townships lying between Lake Memphrémagog and Mississquoi Bay, the Province Line, and the Seigniories, may be formed into a separate Judicial District.

Of the Saint Lawrence and Atlantic Railroad Company; praying for certain additional powers.

Of John Hammill, of the Town of Brantford, District of Gore; praying for the payment of a certain amount due him for building a Bridge across the Grand River at Brantford, and also another across the small channel on the west side of the said River.

Of Pierre Noel and others, of that part of the Parish of Contrecoeur called La Grande Source; praying to be annexed to the County of Verchères.

Of Josiah Timmis, of Montreal; praying remuneration for his services in examining the most favorable line for a Railway from Quebec to Halifax, and otherwise promoting that object.

Of David Wylie and others, Reporters engaged on the Montreal Press; praying compensation for their labours in publishing the Debates in the House.

Of François Desaulnier, Esquire, and others, of the County of St. Maurice; praying for the repeal of the Navigation Laws,--for encouragement to Canadian Agriculture and Manufactures,--for a reduction in the rates of Postage,--for a more popular Education Law,--that summonses to Jurors and Witnesses may be in French, their mother tongue,--that Jurors be paid,--for the repeal of the laws prescribing the form of winter vehicles,--for alterations

in the Seignorial tenure of land,--that the jurisdiction of the Courts for the trial of Small Causes be extended,--and that indemnification for Rebellion Losses in Lower Canada be granted, and the general amnesty concurred in.

Of John G. Booth and others; praying for the passing of an Act to authorize Thomsonian Physicians to prescribe, and to collect payment for their professional services.

Petition of City Council of Hamilton;      Ordered, That the Petition of the City Council of the City of Hamilton, be referred to the Standing Committee on Standing Orders.

Of S. S. Cole;      Resolved, That that part of the Petition of Samuel S. Cole, of the Village of Colborne, in the District of Newcastle, praying for a charter to form a Pier and Harbour in front of Lot No. 29 broken front Concession B, of the Township of Cramahe, be referred to a Select Committee composed of Mr. Meyers, Mr. Smith, of Durham, Mr. Stevenson, Mr. Fergusson, Mr. Seymour, and Mr. Smith, of Frontenac, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of J. M. Grover and others, referred.      Ordered, That the Petition of John M. Grover and others, of the Village and vicinity of Colborne, which relates to the granting of a charter to Samuel S. Cole to construct a Pier and Harbour, be referred to the said Committee.

Twelfth Report of Committee on Standing Orders.      The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Twelfth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of P. P. Russell and others, for incorporation of the Montreal and Missisquoi Railroad Company,--and of the Montreal and Lachine Railroad Company relative to the extension of the said Railroad, and find that the requisite notices have not been given; in the latter case, however, a notice was published in the Canada Gazette from June to the 23d December, in the English language, but notices were not affixed to the church doors of the Parishes through which the proposed line would pass, as required by the 66th Rule.

Prescott Election.      On motion of Mr. Chabot, seconded by Mr. Polette,  
Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Prescott, have leave to adjourn until Tuesday, the twentieth instant, to give time to the parties to take evidence before Commissioners.

Report on Petition of J. Donegani.      Mr. Gugy, from the Select Committee to which was referred the Petition of Joseph Donegani, of the City of Montreal, presented to the House the Report of the Committee; which was read, as followeth:--

Your Committee having attentively examined the Petition of Joseph Donegani, of the City of Montreal, referred to them by Your Honorable House, and perused the documentary evidence in support thereof, beg leave respectfully to report.



That the case of the Petitioner has not only been already laid before Your Honorable House, but the hardships under which he laboured, and his

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right to redress have been fully recognized. To afford him that redress, a Bill, intituled, "An Act to quiet the Title to Lands of persons naturalized under the Statute of Lower Canada, passed in the first year of the reign of His late Majesty King William the Fourth, and for other purposes therein mentioned," was introduced and passed Your Honorable House, as well as the Legislative Council, in the year 1845. That Bill however was reserved for the signification of the Royal Pleasure; and was not sanctioned within the period prescribed by law.

Under these circumstances, Your Committee feel assured that a short and abridged statement of the leading facts will enable Your Honorable House to arrive at a just and satisfactory conclusion.

Towards the close of the last century, the Petitioner, Joseph Donegani, then a child, accompanied his father to Canada; they were Italians by birth, and the father by a course of patient industry, aided by the exertions of the Petitioner, his son, acquired considerable property in this country. In the year 1802 the Petitioner's father returned to Italy, where he eventually died, leaving one daughter and three sons: he had, however, disposed of his property by Will, dated 23d July, 1800. By that Will he constituted the Petitioner and his two other sons residuary legatees; and he left his daughter, Thérèse Donegani, a bequest of £500. Had the Petitioner been born within the dominions of the Crown, there would have been no ground for disputing his title to the property left him by his father; but the Petitioner was by birth an alien, and his nephews, sons of the said Thérèse Donegani, (who had married a man of the same name,) preferred a claim to his prejudice.

This claim was founded on a relic of the feudal ages, called the Droit d'aubaine. In virtue of that branch of the law it was competent to his nephews to divest him of property derived from his father, their grandfather, and acquired at least in part by his own industry, because those persons happened to be born in the British dominions. Had this right, due entirely to the accident of local birth, not been derived through their mother, as much an alien as the Petitioner, it might have savoured less of hardship, but it is surely entitled to no favor. Be that as it may, the Petitioner became the representative of his two brothers, and, without pausing to enquire how, it suffices to state, that in the year 1827, his three nephews, J. A. Donegani, Joseph Donegani, and Guillaume Donegani, resorted to legal process to eject the Petitioner from the real estate of which he was possessed under his father's will. This claim, founded upon the circumstances and the law hereinabove briefly stated, was eventually allowed by the Judgment of the Court of King's Bench at Montreal, bearing date 18th June, 1831. The effect of this Judgment was to divest the Petitioner of the fruits of nearly half a century of toil, and to enjoin on him the surrender of his estate to his nephews. It is now, however, necessary to interrupt the thread of the narrative, to refer to Legislative measures of a most important character, originating, it is said, in this case, and certainly intended to meet it.

On the 31st March, 1831, the Bill, intituled, "An Act to secure and con-



fer upon certain inhabitants of this Province the civil and political rights of natural born British subjects," was presented for the Royal Assent. Had that assent been then given, it would have become law three months before the rendering of the above-mentioned Judgment against the Petitioner. In this case it is manifest that he could have availed himself of such of its enactments as bore upon his case. This is a matter of every day practice, and defendants are constantly in the habit of obtaining leave to plead puis darrein continuance, matters of defence occurring during the pendency of the suit. Submitting an extract from that Statute (known as the Act 1 Will. 4, c. 53), Your Committee do not hesitate to declare it to be their unanimous opinion, that had not the Act been reserved for the signification of the Royal Pleasure thereon, the Petitioner would have been entitled to plead de novo. It is also their unanimous opinion that had he been enabled to apply for leave so to plead, the following Clause must have sufficed to defeat the claim of his nephews:--

"And be it further enacted, That all persons actually domiciled in this Province on the first day of March one thousand eight hundred and thirty-one, not being of either of the descriptions of persons before mentioned, who shall have resided or shall continue to reside therein, or in some other part of His Majesty's Dominions, for the space of seven years continually, without having been, during that time, stated residents in any foreign country, shall be deemed and adjudged and taken to be, and so far as respects their capacity at any time heretofore to take, hold, possess, enjoy, claim, recover, convey, devise, impart or transmit real estate in this Province, or any right, title, privilege, or appurtenances thereto, or any interest therein, to have been natural born subjects of His Majesty to all intents, constructions, and purposes whatsoever, as if they and every of them had been born within this Province."

It may be here briefly stated, as a matter of fact, that the Petitioner complied with every one of the requirements of the Act, and was clearly entitled to the benefit of it. It is perfectly clear also that this Act was intended to operate retrospectively, and so operating, the Petitioner, as it will be seen, had become a British subject before the date of the Judgment founded upon the erroneous assumption that he was an alien, and admitting, upon the erroneous assumption, the claim of his nephews.

Unhappily, however, as has been said, the Act was reserved for the signification of the Royal Pleasure, and according to what was then understood to be law, the Judgment of the Court of Queen's Bench was necessarily unfavorable to the Petitioner.

From this decision the Petitioner appealed; but on the 30th April, 1832, that appeal was dismissed with costs.

A reference to dates will shew by what a fatality the fortunes of the Petitioner were influenced; eighteen days before the date of that Judgment, namely upon the 12th of April, 1832, the Act had received the Royal Assent in England, and on the 6th June, 1832, that assent was in due form promulgated by Proclamation.

Having thus, as he justly conceived, the sanction of Legislative authority, the Petitioner appealed to the Privy Council, but unfortunately with the same results.

On the 17th February, 1835, in rendering Judgment on that appeal, the Vice-Chancellor is known to have admitted that the Act 1 Will. 4, 53, "con-

ferred upon the Petitioner rights which he had not before as against the Judgment" appealed from. It was, however, held that the sole consideration for the Court of Review was, whether the Judgment rendered by the Court of Appeals in Canada was, at the period when it was pronounced, right or wrong, according to the then state of the law.

The decision was thus again unfavorable to the Petitioner, because, though the Royal Assent had been given in England eighteen days before the pronouncing of the Judgment of the Court of Appeals in Canada, yet this assent was not and could not be known to the last mentioned Court, nor to the people of Canada, until the date of the Proclamation, namely, the 5th of June following.

It is not the intention of Your Committee to impugn either decision,

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but it is a fact, that whatever may appear to be anomalous or unusual in the position or application of the Petitioner, is due to our Colonial dependence upon the Imperial Crown of Great Britain and Ireland. Your Committee do not intend to expatiate upon those grounds of public policy and of strict justice, for the encouragement of industrious settlers in a new Colony, which are embodied in the Statute--for they are supported by the highest authority. That authority, too, is not merely Colonial; and the Petitioner had not failed to insist on the provisions of the Imperial Act 10 and 11 Vic. c. 83. This is a Statute confirmatory of several Colonial Statutes, and one of the most important of its provisions, as establishing a fact involving the decision of this case, is the declaration, "that all Colonial naturalization Acts (including of course the 1 Will. 4, c. 53,) shall be taken to have been valid from the time of their enactment."

Referring to dates then, Your Committee would remind Your Honorable House, that the Bill in question was presented for the Royal Assent on the 31st March, 1831. Had it not been reserved, it would have passed into law some three months before the first Judgment rendered against the Petitioner; it would have changed the law, and that Judgment would consequently have been rendered not against him, but in his favor. But the reserve of Bills passed by the two branches of the Legislature is a proceeding purely depending on the Colonial system, a peculiarity to which, as well as to the delays incident to it, the Petitioner justly ascribes the grievances under which he labors. Now, as he could not have been so aggrieved in any independent country, as that grievance could only have happened in a state of Colonial dependance such as ours, Your Committee are of opinion that it is incumbent on a Colonial Legislature to grant him relief. The right to that relief seems to flow naturally, as a corollary, from the Act 1 Will. 4, c. 53.

The Provincial Legislature certainly intended that Act to take immediate effect, but being suspended by causes beyond its control, the Statute was temporarily inoperative. Now, such mischief as the Act was intended to prevent, and which occurred in consequence of that suspension, it would seem to be clearly within the appropriate province of the Legislature to remedy. If the Courts of Law, as at present constituted, could afford a remedy, the Petitioner might be referred to them for relief, by a fresh series of legal proceedings, at any cost however enormous. But, as the law stands, the Petitioner might be despoiled of his property before the next Session of Parliament, and Your Honorable House be thereby prevented from interposing with effect.

On branch of the subject, Your Committee have to observe that redress by auditâ querelâ, to which the Vice-Chancellor, in delivering the Judgment in the Cock-pit alluded to, does not obtain in Lower Canada. In default of that remedy the Petitioner appears to have resorted to a process for a restitutio in integrum in the nature of an auditâ querelâ, but that mode of relief was not found to apply to his case.

The Petitioner thus failed again, and the attempt only proved that the Courts of Justice were not open to him. The decision of the Courts against the Petitioner was in strict conformity, it is true, to the law as it was believed to stand before the passing of the Act 1 Will. 4, c. 53. But by virtue of that Statute, passed before the rendering of the first Judgment, and by a process perfectly constitutional and legitimate, which took place two years after in England, the law upon which that Judgment was founded was abrogated, and new dispositions favorable to the Petitioner were actually in force. The Judgment then is now known to have been at the time when it was rendered, contrary to law; but the law was changed by a statutory enactment of a retrospective character, of which the Judges could not be aware, and there is no mode by which that knowledge can be now conveyed to them, or acted upon if it were, nor can any appellate tribunal interpose, nor is it in that capacity that the intervention of Your Honorable House is sought. In England and in Upper Canada redress could be obtained by auditâ querelâ, and Your Committee are unanimously of opinion that by the introduction of that mode of proceeding, or by some other analogous course, the Petitioner should be enabled to plead the Act 1 Will. 4, c. 53. It is thus that the conviction has forced itself upon the minds of Your Committee, that a case for the intervention of the Legislature has been made out. Should Your Honorable House decline to interpose, it is manifest that the Petitioner will be enected from an estate acquired in great part by his own industry, and possessed and occupied by him for fifty-eight years, down to the present day. To that estate he has a vested right under the law of the land, and all that is required is a mode of enabling the tribunals of the country to enforce that law.

Ordered, That the said Report be printed for the use of the Members of this House.

Petition of the  
City of Toronto.

Ordered, That the Petition of the Mayor, Aldermen and Commonality of the City of Toronto, (Municipal Council Bill,) be printed for the use of the

Members of this House.

Petition of B.  
Marquette and  
others.

Ordered, That the Petition of B. Marquette and others, the President, Officers, and Members of the Association of Teachers of the District of Quebec, (Education Law,) be printed for the use

of the Members of this House.

Schools (U. C.)

Ordered, That five hundred additional copies of the Report of the Superintendent of Schools of Upper Canada for the year 1847, be printed for the use of the Members of this House.

Village Lots in  
Rawdon.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 26th



*ultimo, praying His Excellency to be pleased to cause the proper officer to lay before the House, a Return of all Village Lots sold in Rawdon, County of Lincoln, the number of each Lot, to whom sold, date of sale, and how and paid; also, the names of persons claiming pre-emption, the number of Lots so claimed, and a list of what Lots are not yet sold.*

Appendix  
(D. D. D.)

*For the said Return, see Appendix (D. D. D.)*

Dundas and  
Waterloo Road  
Bill.

*Ordered, That Mr. Fergusson have leave to bring in a Bill to amend the Dundas and Waterloo Macadamized Road Act.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.*

Wesleyan  
Methodist  
Church Bill.

*Ordered, That Mr. Flint have leave to bring in a Bill to enable the Trustees of Churches and Parsonages, and other Trusts, belonging to the Wesleyan Methodist Church in Canada, more con-*

*veniently to manage and dispose of their Estates, and for other purposes therein mentioned.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.*

MR. CHRISTIE<sup>1</sup> moved that the instructions be given to the Committee on Contingencies for certain enquiries into the state of the officers of the house. The number of persons employed in the offices was too large, and the expense by far too great. There was (sic) thirty-one persons regularly employed by the house, at an annual expense of £6,600, besides a large number of extra clerks employed during the session. He believed too, the work was very imperfectly performed. At the beginning of the session, especially, very little had been done. He had heard, too, that the young gentlemen employed as clerks were in the habit of contracting debts for which the head clerk was held responsible. Their conduct, too, was highly improper. He had himself frequently seen the young men strolling about in the passages and lobbies with pipes and cigars stuck in their mouth. They should be taught that whilst in employment of the house they must avoid such vulgar habits, which, he was sorry to say, were indulged in by some hon. members of the house, although as yet, this session, they had not had so much of the use of intoxicating liquors, which had disgraced the house in former sessions. He wished all these matters to be enquired into.--<sup>2</sup>

MR. H. SHERWOOD.--The hon. member should not make personal observations.<sup>3</sup>

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*On motion of Mr. Christie, seconded by Mr. DeWitt,*

Offices of the  
House.

*Ordered, That it be an Instruction to the Standing Committee on Contingencies, to enquire into the*

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*state and organization of the several Offices appertaining to this House, the regularity in attendance, diligence and efficiency of the different*

under-clerks and writers employed therein, and whether any and what abuses prevail in the same requiring reform; and also to ascertain and report to this House, with all convenient despatch, whether any and what alterations may be necessary in the organization or arrangements of the said Offices, with a view to the despatch of the business of the House in both the English and French languages; and whether, without impairing the due efficiency of the establishment, it will admit of reductions in any of the offices appertaining to it, and in which of them.

On motion of Mr. Gugy, seconded by Mr. M'Connell,

Association for  
Colonizing the  
Eastern Town-  
ships.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Correspondence between Her Majesty's Government and the Association for colonizing the Eastern Townships, with a Statement, in detail, of all the Surveys and Roads made on behalf of, or in connection with, the said Association, as also, of the names and salaries or compensation allowed to such Surveyors, Agents or other public servants employed, and of all the expenditure incurred by the Government in relation to the said Association.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Real Property  
Conveyances  
Bill.

Ordered, That three hundred additional copies of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, be printed in English for the use of the Members of this House.

On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Hincks,

Interest of  
Money Bill.

Ordered, That the Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, be discharged.

Ordered, That the Bill be read a second time, on Wednesday next.

Elora and Sau-  
geen Road Bill.

Ordered, That Mr. Fergusson have leave to bring in a Bill to incorporate certain persons as "The Elora and Saugeen Road Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the fifteenth instant.

Bill to secure  
Real Estate

Ordered, That Mr. Gugy have leave to bring in a Bill to secure Titles to Real Estate to certain

Titles to cer-  
tain persons.

persons naturalized under the Statute of Lower  
Canada, 1 Will. 4, c. 53.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Sheriff, Crier  
and Tipstaff  
the District  
Montreal.

Resolved, That the Returns to Address to His Excel-  
lency the Governor General, of the 23rd January  
last, praying for Statements of the income de-  
rived by the Sheriff of the District of Montreal,  
and by the Crier and Tipstaff of the Court of

Queen's Bench for the said District, for the last five years, presented to this House on the 31st January and 8th February last, be referred to a Select Committee composed of Mr. Gugy, Mr. Christie, Mr. Chauveau, Mr. M'Connell, and Mr. Polette, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Hamilton  
Corporation  
Bill.

Ordered, That Sir Allan N. MacNab have leave to  
bring in a Bill to establish a more efficient  
system of Police and Municipal Government in  
the City of Hamilton, and to extend the limits

of the said City.

He accordingly presented the said Bill to the House,<sup>4</sup>

MR. INSP. GEN. HINCKS urged that the measure should not be pressed until the sense of the house had been taken on the Municipal Bill introduced by Mr. Baldwin.<sup>5</sup>

MR. AT. GEN. BALDWIN suggested that the bill should not be printed.<sup>6</sup>

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and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Montreal  
Rechabites  
Bill.

Ordered, That the Honorable Mr. Badgley have leave  
to bring in a Bill to incorporate certain persons  
under the name of the Corporation of Rechabites  
of Montreal.

He accordingly presented the said Bill to the House.<sup>7</sup>

MR. BADGLEY explained that it was a charitable Society like the Odd Fellows', to incorporate whom a bill had been introduced by the hon. member for Middlesex.<sup>8</sup>

MR. AT. GEN. BALDWIN said the government intended to introduce a bill for Friendly Societies. He thought both these bills should await the general measure.<sup>9</sup>

MR. BADGLEY agreed with the Hon. Attorney General that it would be better to wait for the general measure. He did not intend to press this measure.<sup>10</sup>

MR. NOTMAN was willing that his bill to incorporate the Odd Fellows should stand over also.<sup>11</sup>



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and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the fifteenth instant.

Prescott Election.

According to Order, George E. Cartier, Esquire, Member for the County of Verchères, who was absent, yesterday, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Prescott, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee on that day; and having verified the same upon oath;

Ordered, That Mr. Cartier be excused for not attending the Committee, yesterday.

Libel Law.

The Order of the day for the second reading of the Bill to amend the Law respecting Libel, being read;

Mr. Gugy moved, seconded by Mr. M'Lean, and the Question being proposed, That the bill be now read a second time;<sup>12</sup>

COL. GUGY moved the second reading of his bill to amend the law of Libel; in doing so he was desirous of making a few remarks. It might be thought, owing to circumstances personal to himself,<sup>13</sup>--and indeed it had been said--that he was opposed to the press, and desired to muzzle it; but he trusted he should be able before he sat down to disperse any such opinion.<sup>14</sup> The Bill which he had the honor of bringing before the notice of the House was, in every particular, a transcription of the Imperial Act 5 and 6 Victoria; it was<sup>15</sup> merely<sup>16</sup> his intention then to introduce<sup>17</sup> into this country<sup>18</sup> the Law of England, as it now stood;<sup>19</sup> it was a law which had been in force since the 5th and 6th of the present Queen; and, therefore, in introducing it here, it could scarcely be said that he had any design of which he need be ashamed; but he had introduced into Lord Campbell's Act some clauses drawn from the law of France, which had been tried and found to work well.<sup>20</sup> He was not entitled to any credit for the provisions of the Bill, it had not originated with him; all he pretended to do was to introduce part of the Law of England and part of the Law of France. It was a measure<sup>21</sup> too, which had been loudly called for by the Press<sup>22</sup> the members of which having complained that they are not in the same position in which they are in England, and very loudly complained of<sup>23</sup> what had been called "The atrocious Law of Libel of Canada."<sup>24</sup> He apprehended that no course could be better adopted to place them in a proper position than to introduce the Law which prevailed in England; it was a measure which originated in the House of Lords, and the sole merit of it appertained to Lord Campbell.<sup>25</sup> (Hear, hear.)<sup>26</sup> He (Col. G.) should have occasion, before he sat down, to refer to the evidence given by Lord Denman, by the Lord Advocate, Mr. Dupin, a celebrated and well known French Lawyer, and several other gentlemen, before a Select Committee of the House of Lords. The present Law, as it stands, has been denounced by Newspaper Proprietors and Editors as affording them no protection and it was evident, by the Bill before them, that he wished to protect them.<sup>27</sup> It was but fitting, therefore, that they should obtain every possible protection in the discharge of duties which, though self-imposed, were of considerable importance. The importance of the Press had been growing in

this country for many years, and had not yet perhaps reached its acme; but the influence of newspapers, not only on public opinion, but on the habits of individual members of society, was such, that it was of the highest importance that the relations of one to the other should be established by law. This was a subject on which it was expedient to legislate for the whole of Canada. The enactments of the bill he had the honour to introduce, would therefore apply to Upper as well as Lower Canada, and be applicable to parties residing in Sandwich, in the same manner as to those in Quebec and Gaspé.<sup>28</sup> If the Bill was read for a second time, he intended to refer it to a Select Committee, upon which he intended to place some eminent lawyers, from both sections of the Province, who were members, upon the Committee.<sup>29</sup> The Press had representatives in the House as well as the people, and they would, therefore, in the course of the debate, be able to gather what the views of these persons were respecting the rights and responsibilities of the position which they had assumed as conductors of newspapers--as parties who assumed to themselves the very important position popularly called "the Fourth Estate." It was singular, in respect to that estate, that it should have advantages over the other three; for instance, this branch was elected by the people, subject to restriction, and occasionally to the loss of their seats, but the members of the Fourth Estate were self-elected, and no power could shake them from their seats, as long as they chose to retain them. So with regard to the Sovereign. She acted under the advice of Ministers responsible for that advice to the people. But the members of the Fourth Estate acted individually; they were guided by no advice--responsible to no Ministry. They had, therefore, manifest advantages over the other estates of the realm; but, in addition, they exercised a power which no other branch of the constitution could exercise; they exercised a power over public opinion, to which everything must in these days yield, and which no body of men or single individual dare resist. That which was called public opinion, was known to have produced almost miraculous effects. In all times, in every country in which free institutions existed, public opinion was omnipotent; and, therefore, the Press, the instructor and guide of public opinion, was omnipotent. "The Press" was a mere figure of rhetoric, signifying the Proprietors and Editors of newspapers; and the power possessed by them was a power which controuled all others.<sup>30</sup> Members of the Press in this country had declared, that it was not only in their power to exterminate individuals, but that it was their duty to do so in certain cases.<sup>31</sup> Before sitting down, he should advert to a paper possessing very considerable influence over the Liberal portion of this community--the leading paper; and he should have the honour to read from that paper (the Pilot) part of a letter showing the opinion entertained by one of the conductors of the Press, who had found it a sort of railway leading to a Canadian California.<sup>32</sup>

Hear, hear, from MR. INSP. GEN. HINCKS.<sup>33</sup>

COL. GUGY ((continued:)) He should read what would be considered a fiction, were it not accessible to every member of the House. He should read from a letter penned by an individual of great eminence as a conductor of the Press, in which he boldly set out with his political-social axiom, that the Press had it in its power not only to annihilate individuals, but that there were occasions on which the Press was bound to do so (hear, hear); and he went a step further, and said that the Press not only controuled individuals,

but could and ought to control the Legislature. (Hear, hear.) That letter was written by a person called "Francis Hincks," who might, possibly, bear some relationship to the Hon. Inspector General opposite. He might, perhaps, be now permitted to make a great flight from the hon. gentleman opposite (Mr. Hincks) to Alexander the Great. When that great king was in the Lybian sands, surrounded by his enemies, and not only starving, but dying of thirst, he was heard to exclaim--"Oh! Athenians, you cannot imagine all that I suffer to ensure your approbation." This was an instance of the power of public opinion, and of its influence on the mind of the greatest and noblest of men; it was an incentive to the highest actions, and, when properly directed, was the proper reward of heroism and virtue. It was for this reason that he deemed it of the highest importance that the Press, which was the vehicle of public opinion, should be freed from all that was corrupt and impure; if it be corrupt it would induce men to commit base and dishonourable actions; if, on the contrary, it be pure and honest, it would ennoble mankind--it would teach them to labour for the benefit of their fellow-men, and human inducement to do and dare everything on behalf of suffering humanity. He was desirous, therefore, of placing the conductors of the Press on the same footing as teachers and school-masters; he wished to elevate the profession; he wished the Press to be in the hands of men of elevated sentiments--men of principle--men incapable of committing base and dishonourable actions for the purpose of advancing the interests of their party, or gratifying their own private and personal aversions and dislikes. Hitherto, in Canada the conductor of a newspaper had had no responsibility attached to his calling. There was an opinion abroad in the country that he might write anything he chose without being responsible for it, and to attempt to curb the license of the Press was to destroy the liberty of the Press. He hoped that before very long such absurd delusions would be entirely dispelled; and he doubted not that in calling the attention of the House to the subject, a body of educated men--...had made a study of social economy ... especially amongst lawyers, such a position would be rejected as absurd and ... . If the Press were conducted ... contemptible and corrupt men, it would necessarily become an engine by which the rich would grind the poor; it would be an engine in the hands of the wealthy<sup>34</sup>, by which they could tyrannize over the poor<sup>35</sup>. It was of the utmost importance that the conductors of the Press should be men of a higher class than we have hitherto had in this community. They had been men who trusted the Colonist as the woodman trusted the forest tree--men and who looked upon every Colonist as their enemy--cut him down and left him to rot and bleach upon the ground. That was the description of men they had had here--men such as within the last twenty-four hours had been ejected from the Library of this House--that description of vermin what might be called a nuisance and which it was his (Col. Gugs's) present purpose--God willing!--to abate. (Ironical cheers.) How pleasant it was to enter the forest in the pursuit of game, or for any other purpose ... the sound of the axe ringing on the trees and reverberating to the echoes ... the woodman and find him engaged in his healthful occupation, and to cheer him on; but what would be their feeling, if, instead of suffering them to approach, the woodman were to ... at them, and attempt to cut down and destroy them! Yet such was the liberty claimed for the Press by Mr. Francis Hincks in his letter published in the Pilot.<sup>36</sup> It was his (Mr. H.'s) opinion, he said, that there



was no free Press, if it was not allowed to do what it liked.<sup>37</sup> As well might they talk of the liberty of the stick, the axe, the gun, as of the liberty of the Press in that sense. Both were alike in the hands of good men--they might both produce good results; but in the hands of bad men, they might work deplorable mischief. The Press was capable of being used for the highest and noblest purposes, and also of being used by bad men for the worst purposes--for the gratification of malevolence and every bad passion. The Press was the ladder by which bad men had ascended to power. They must put up with those who had already reached power, but they must strike away that ladder from under the feet of those who had not yet attained power.<sup>38</sup> The object of this measure was to define a line between what might be called the liberty of the Press and what was called the licentiousness of the Press.<sup>39</sup> He knew that it was the general opinion that newspaper editors have the liberty of editing whatever seems fit to them, but he held a contrary opinion, and thought that neither law nor common sense would grant them the possession of such enormous power.<sup>40</sup> The hon. member then went on to detail the restraints which had been put upon the Press from the invention of printing down to the present day. Between the years 1430 and 1440, immediately after printing was invented, it was found that the facilities which it afforded for the purpose of discriminating of words of a religious nature<sup>41</sup>, the general subject of discussion then,<sup>42</sup> which contained doctrines different from those of the Church of Rome, were dangerous, in consequence of the struggles going on then, which terminated in the Reformation, that the Church found it necessary to put some check upon it, and each bishop appointed in his diocese<sup>43</sup> a public officer<sup>44</sup> called a Censor, to whose office every manuscript intended for publication was brought, and this officer was bound<sup>45</sup> by oath<sup>46</sup> to examine it and to expunge every thing which he thought to be wrong. This check upon printing was adopted by almost all European countries,<sup>47</sup> in Russia, Germany, France, and even in England, when it was abandoned only three or four years after the accession of William the Third. This abuse of the system at length rendered it objectionable on the ground that the press was completely ... , but nevertheless it was extended to almost every species of literature, for instance a theatrical piece cannot be played in England without the approbation of the Lord Chamberlain, and in other countries pamphlets and works of a similar character were also placed under the surveillance of the Censorship. It was carried even further in Rome where it was made to extend to works printed in foreign countries, many of which were prohibited from being imported, a list of such prohibited being published every year.<sup>48</sup>

MR. CHABOT here rose and interrupted Col. Gugy.--An Election Committee was about to sit, and the House would have to adjourn for a few moments in consequence.<sup>49</sup>

MR. MORIN the SPEAKER left his Chair for a few minutes.--He resumed it.<sup>50</sup>

COL. GUGY rose, and continued to speak.--<sup>51</sup> He had said that there was an impression general in the country that anything, no matter how offensive, if once printed in a newspaper, from that moment became harmless, and he would shew that the laws of both England and France were directly opposed to that impression, and made the printing of any offensive matter an aggravation of the offence. It was singular that a man who virtually (sic) or by letter applied an opprobrious epithet be held responsible for his offence, while any

person putting the same in print should be by public opinion esteemed perfectly innocent. That was the state of feeling in this country; and he would contrast it with the law of France as given by a very high legal authority.<sup>52</sup> He would now read to them excerpts from the evidence taken by the House of Lords at the time Lord Campbell's Bill was under consideration. Here the hon. member read extracts from the evidence given by Mr. Dupin<sup>53</sup>. Mr. Dupin ... stated that the mode of publication must be taken into account when considering the amount of injury done, and, as an example, affirmed that an insult given by word of mouth was not as serious an offence as that which would be committed to writing, as the latter could obtain a much wider circulation; and, for the same reason, the printing thereof would be an aggravation of the offence, because when put in print it obtained a wider circulation than would be possible by any other means; and even a contradiction would not perhaps have the effect of eradicating the first impression. That was the opinion of a high legal authority, and it would be seen that the English law was precisely the same--that, in fact, it was more careful of the right and character of its people than almost any other.<sup>54</sup> He would refer them to a very recent case, which would prove what the law of England was, and show how careful that law was in protecting the character of private individuals. He referred to the case of Stockdale vs. Hansard; and he would briefly narrate the facts in that case: Stockdale<sup>55</sup> a medical practitioner in England ... had written a work on medicine a copy of which being found in one of the Union Stockhouses,<sup>56</sup> the Commissioners appointed by the Government to inspect the poor-house, found the book there, examined it, and declared it to be of an immoral character. The Report of the Commissioners was printed by Hansard, as Printer to the House of Commons,<sup>57</sup> along with other documents of the House of Commons, and on those grounds an action was brought against him by Stockdale, who recovered heavy damages, in spite of the defence made by Hansard, that he only executed his orders in printing the offensive paper among others ordered to be printed by the Commons and in spite of the Commons itself, whose Sergeant-at-Arms was prosecuted for interfering when ordered to do so. That was, in his opinion, a strong proof of the tenderness of the English law,<sup>58</sup> of the character of individuals<sup>59</sup> and he would cite in connection with it an instance that occurred<sup>60</sup> lately<sup>61</sup> in the Land of Liberty<sup>62</sup>, to show that there a man could not write in the papers what he liked.<sup>63</sup> A man of the name of Thompson, who kept a cellar, brought an action against the<sup>64</sup> New York<sup>65</sup> Sun Newspaper, conducted by Messrs. Beech & Sons, for asserting in the Sun newspaper that he<sup>66</sup> would be shortly indicted criminally, and sent to prison for a long period.<sup>67</sup> It was shewn in defence, that both those gentlemen were absent at the time the libel found its way into their columns; but nevertheless the jury gave a verdict in favour of the Plaintiff to the full amount of \$10,000. That was a matter of considerable importance, as it shewed the danger to which newspaper editors were exposed even under the most unrestricted system, and perhaps it would be made to appear that the measure he had at heart, instead of being of an oppressive character, would be the means of protecting editors; for although they were not in general so much disposed in this country to take advantage of their powers as was the case in New York, yet if they undertook to throw dirt at those who were opposed to them, it might happen that they would be occasionally mocked pretty heavily. (Hear.)<sup>68</sup> Newspaper proprietors ... had some advantages, and they

had some duties peculiar to themselves. The cases which he had cited appeared to him to have made out the principle which he wished to establish.<sup>69</sup> He then proceeded to cite another authority--the Pilot newspaper of the 30th December, in which there was a letter signed Francis Hincks<sup>70</sup>, in which he stated that he had been for a long time an Editor of a newspaper, and that his attention having been called to the fact that a fund was being raised to indemnify the Transcript for the damages which it had to pay in the Farnden case, he had much pleasure in contributing to it.<sup>71</sup> But before alluding to this he must state to the House, that a parcel of newspaper Editors, whom he could not call men, had taken it in their heads to pursue a woman, and one of them having taken the subject up, the rest followed in full cry. He had been himself followed by hounds, and he could conjecture what that lady must have felt, when she heard the first howl. One Editor had taken on himself to say anonymously, that a widow lady had been delivered of twins; and here he would undertake to add that no apology was ever made. A professional gentleman took the subject up; the defence was conducted in a most flippant manner; the lady was insulted, and other ladies, her witnesses, were insulted also; and the Jury, perhaps, on account of the defence gave damages--which he did not think too heavy--to the amount of £50. There was a universal howl from all other newspaper Editors, who backed their fellow Editors and got up a conspiracy to annihilate every person not satisfied with the power assumed by newspaper conductors. They subscribed large sums--these persons, wearing the garb of men, but without any manly characteristics--to screen the persons who had been guilty of committing a gross libel on an unprotected female. They next proceeded to assail the counsel; but they succeeded only scurrlly (sic). Eventually the Pilot newspaper, in following up this pursuit, published several false statements against that counsel. Eighty-four libels were published against him in the Pilot, twenty-two in the Herald, and fifty-three in the Transcript. In consequence of these statements an action was brought against Mr. Hincks, who came before the Court and alleged he was not a Proprietor. Upon that plea he succeeded in obtaining a verdict; but not satisfied with that, he wrote the letter to which he called attention. In that letter he stated that he regretted he had been so tardy; but he now enclosed \$10 to the Transcript Farnden Libel Fund, expressing his hope that such a fund would be raised for every newspaper against which verdicts of this sort were given, without distinction of party. Now, here was a design expressed to protect persons who did wrong because it assumed that these men would have verdicts found against them--that they would be cast in Courts of Law, and therefore, that they had done wrong. He said there must be a fund to pay these persons their damages. He asked what that was but a conspiracy?<sup>72</sup> It was nothing but a conspiracy, by which it was intended to elevate Editors above other men.<sup>73</sup> If he libelled his fellow men, must he go before the Courts and submit to expenses without any of his neighbours coming forward to assist him? He might have the newspaper coming into his house, thrust under the noses of his wife and children, and constantly filled with the most offensive matter, without any opportunity of obtaining redress, except by an expensive suit of law. If a trader, people would not go to his shop; if a professional man people would not take advice of him; if a public man, his influence was destroyed; or at any rate he must play the game at his own expense, while his opponents were protected by this joint fund.--<sup>74</sup> The



hon. member then proceeded to read extracts from Mr. Hincks' letter<sup>75</sup> and said he desired to bring under the notice of the House what was the opinion of the writer of a free Press. The writer pretended that a newspaper conductor had the right of publishing anything of a public man, without being amenable to any authority. He differed from that writer, and he had with him some authority, he thought of more weight than that of this person. If his doctrine were correct, whenever a man became a public character, he would be subjected to imputations of the most atrocious character. Surely if a man were abused, it could be of no consequence whether he were in public or private life. It appeared to him that those entrusted with the conducting of public affairs were public property--public property so far that the public were bound to protect them, for men did not thrust themselves into public life, they were usually brought forward by their fellow citizens. There was no distinction between public and private character in common sense or law, nor could there be without exposing to ruin the entire fabric of society. He should probably hear that night what was intended by a free press, and what amendment might be considered in the law of this country. Something novel would probably be elicited, calculated to astonish, if not to improve. But the writer of the letter, however, went on to recommend the press to publish the names of any who refused to subscribe to this compensation fund. This was evidently an attempt to intimidate the public, and induce them to subscribe, and this brought him to speak of another part of this bill, which was copied from Lord Campbell's act. That act recorded the fact that there were in England, a set of scoundrels, who were in the habit of writing to individuals, that, unless they would give a sum of money they would be put into newspapers. What was this except picking pockets--highway robbery called by a dainty name. He had never affected to refuse the power to the Press of discussing the conduct of public men; but no man had the right to raise a falsehood and then go into comments on that falsehood. There was another subject respecting the newspaper reports which he would make a few remarks upon, were it not unparliamentary. Such reports, as far as some newspapers were concerned, published false reports; for wherever truth was suppressed from a newspaper report, he held it to be falsehood. Such a proceeding was the result of the conspiracy to which he had alluded, and which he would show an extract from the letter written and signed by this Mr. Hincks. (The extract had reference to a suggestion not to print Col. Gugsy's name.) Thus had the editors let slip the dogs of war upon him; and when he had that gentleman in Court, then it was that he had called upon other editors to join in the act of annihilating him; and if they succeeded in crushing him, no man or woman would be safe from the attacks of newspapers. Editors seemed to have a great sympathy for themselves, but they shewed little of that sympathy for any other person; for, when they felt inclined, they would take an unhappy man and break him on the wheel, legs, arms, and body; and all the while he was undergoing this excruciating torment, it was expected that the unfortunate man should smile all the time on his tormentors. This was the description of men the editors wanted. But when a man acted differently, and took one of these editors to Court, they were not satisfied when both Judge and Jury gave judgment against them. No; they set up a Court of their own in some back yard or another, and gave judgment in their own case. (Mr. Gugsy here read another extract from the letter, in reference to the Press having the control of public men as well as the Legislature; and also

quoted the opinion of Milton, relating to the necessity of editors or publishers registering themselves as such, in order that it may be known who are the responsible parties.) This was all he (Mr. Gugsy) asked for--that newspaper libels should be liable to be canvassed in the Courts of the country. He thought it right that a free Press should publish what they conceived to be proper, but he held that they ought to be responsible for such publication. He thought that the writer of the letter held an opposite opinion, and he thought the one was the proper way to get a free Press; the other, to get a licentious Press. He would now come to the bill itself, the object of which was for the better protection of private character, and for the more effectually securing the liberty of the Press, and for better preventing abuses in exercising the said liberty. The hon. gentlemen (sic) then went on to explain the nature of the bill<sup>76</sup>. Besides containing the provisions of the Act 6 and 7 Victoria, this Bill contained provisions to the effect that a newspaper proprietor might make an apology in his paper, which would have the effect of mitigating the damages--that a defendant would not only have the liberty to plead the apology, but to tender a sum of money into Court, as the amount of the damage sustained.<sup>77</sup> In the course of his remarks ... he said that his bill would have the effect of putting a stop to the dragging of a man before the public if his servants happened to quarrel; and also to put a stop to editors exacting money for the purpose of being allowed to reply to an attack made upon him in the same editor's paper. He (Mr. Gugsy) was not against editors publishing any matter, provided such was for the public good; and if on being taken before a Court of Law, and the evidence did not bear out that such statements were for the public good, then he would have such an editor cast in damages and costs. The hon. gentleman, to bear him out in this view, read various extracts from the Law Lords of Scotland, and other Judges, on this part of his subject, one of whom compared editors to pirates, or sea-robbers, and which Mr. Gugsy said, was a character extremely applicable to the editors of Canada, and especially so to those of the city of Montreal. He (Mr. Gugsy) wished to assimilate the Law of Libel in Canada to that of England, so that when parties entered the Colony from England, they might find themselves under the same protection which was granted to them in the land which they had left. It was his wish to elevate the Press; as, if it were to act the part of a schoolmaster or a priest, subjecting it to the law would give it a moral elevation, and let the country know who their newspaper instructors were. The Press of the country had denounced the present Libel Law as being bad; and when such had been the case, surely it was evidence that it required amendment. It mattered little to him whether they had a law or not; but if they were to have one, it would surely be wise for them to adopt one similar to that which had been found to work so well in England--otherwise it might be that the people of Canada would be placed in the position of the illustrious John Hampden, who said that the people of his day had been long in the habit of having saddles on their backs and bridges in their mouths, ready to be ridden by kings and princes, &c. There were editors who exercised a sort of terrorism--men who could not be approached--so help his God!--without defilement to the person who approached them. If they were to have editors, it was his wish that they should be men of elevated character; and as such was his desire, he hoped there would be but one opinion as to the Bill he had introduced. He would therefore move that the Bill be read a second time.<sup>78</sup>

MR. INSP. GEN. HINCKS thought there could be but one opinion in the House respecting the course which had been taken by the hon. gentleman who had just addressed the House<sup>79</sup> That opinion was sufficiently manifested by the state of the Benches in the House during the whole time the hon. member had been speaking. He had not been able to keep the gentlemen, with whom he usually acted, in their seats.--(hear.)--<sup>80</sup> He, no doubt, possessed the power of language to such an extent as to speak as long as he wished, whether such language was for the good of the country or not; and he would leave the House to say whether it was to his credit or not, that he should have introduced private matters into his speech, with which the House had nothing to do. He would not have taken any prominent part in the debate, if the hon. gentleman had not alluded to him by name, and assailed a profession with which he had been connected for many years--a profession for which he had the highest respect, and which he would take the present opportunity of stating that he was proud of the connection which he had had with it--a profession which he would always be happy to stand up in defence of. The hon. gentleman had thought proper, in speaking of the Press of Montreal, to state that there had been parties connected with it who could not be approached without the person approaching them being defiled. He would like to know who the hon. gentleman meant, as he did not believe there was one whose character did not stand higher than that of the hon.<sup>81</sup> member for Sherbrooke<sup>82</sup> himself, and some of whom might equally consider it defilement to come in contact with the hon. gentleman opposite,<sup>83</sup> and when those attacks were made upon the members of the Press, he would not bear them without hurling them back upon the person who made them.<sup>84</sup>

COL. GUGY.--Hurl away. He would give him all liberty.<sup>85</sup>

MR. INSP. GEN. HINCKS had listened to the most preposterous language from the hon. gentleman opposite, and had not interrupted him. It was well known that the hon. gentleman had been engaged for several months past<sup>86</sup> in a crusade against the Press; he had got up some half-a-dozen actions for libel against the newspapers<sup>87</sup> since he had been relieved from his duties of Adjutant General of Militia. (Hear, hear.)<sup>88</sup> If he had not the decency to abstain from speaking of his own cases he might at least to have abstained from speaking of those of others.<sup>89</sup> He had heard an anecdote of the hon. gentleman, that being in Court one day it had been said that the hon. gentleman had been out of practice for a long time, but he was now about to resume it again, but after looking about among the merchants for a case he had not succeeded in procuring a client, and the hon. gentleman at last concluded on getting himself for one, (laughter) and in this way he had got up six actions for libel. He had also got another case that a (sic) of widow lady, but if he (Mr. Hincks) could believe rumour, it was said that that lady regretted much that she had ever allowed herself to be induced to enter upon that action<sup>90</sup>, that she ever had anything to do with the hon. member.<sup>91</sup> The hon. gent. (Mr. H.) had also alluded to his having subscribed to the Transcript Libel Fund, and he was heard to say that the money so subscribed had been more than sufficient to remunerate the person interested against the moneys given against him. He had also stated in reference to the case of the widow lady that no apology had even been sent. If such a statement was true, it was very different from what he had heard as he understood that an apology



had been offered, but would not be received. The facts were that an anonymous communication had been sent to the paper containing the notice of a birth, which had been inserted, thinking the notice to be true and without any intention of injuring the person interested. That paper was Conservative in politics, frequently politically opposed to him (Mr. Hincks). It was not an apology the hon. gentleman wished however; what he wanted was damages. An attempt was therefore made to get damages, and it was made by a person who had come before a jury to prosecute for libel, he being a ... public man. After having obtained a verdict, what did he do?--<sup>92</sup>

COL. GUGY: I put it in my pocket.<sup>93</sup>

MR. INSP. GEN. HINCKS asked if in England, or anywhere else, a public man, acting in that way, getting a verdict, would dare to do so mean a thing as to put the money in his pocket? What would be thought of Sir Robert Peel or Lord John Russell, were they to undertake such a speculation, bringing action after action, with a view of putting money in their pockets? Such a man would not long be able to hold up his head, certainly not to retain his seat in Parliament. The hon. member for Sherbrooke, however, had brought four actions--one against the Pilot, one against himself individually, another against the Transcript, and another against the Herald. Now he referred to these actions because they just came to that point where he conceived the Press had a right to discuss the conduct of public men. The hon. member for Sherbrooke alleged that public writers must in all cases take care that what they wrote was strictly true, or they would be liable for the consequences. He would like to know, how, if public writers were fettered in this way,--if they were obliged, before they mentioned any circumstances, to see that there was no possible mistake, so that they could afford legal proof of its accuracy--he would like to know how it would be possible to make any comment at all. To illustrate this subject, he would mention the fact, that last summer a great excitement was got up in New York, at which a Mr. O'Connor was particularly prominent, and this man came to Canada with the avowed object of promoting disaffection. The Government had information that secret organizations and clubs were formed to support this Mr. O'Connor in his openly avowed designs; and at last O'Connor held a public meeting. Now, the first fact which connected Mr. O'Connor with the hon. member for Sherbrooke was, that the person who was to preside at this public meeting was a gentleman known to be an intimate friend of the honorable member for Sherbrooke. The next fact was, that the hon. member for Sherbrooke was seen in company with Mr. O'Connor, and talking to him. He did not mean to say that the fact that a person usually acting with the hon. member for Sherbrooke and the Conservative party, was ready to preside at this meeting,--nor did he mean to say that this Mr. O'Connor's being seen in company with the hon. member for Sherbrooke rendered him liable to the charge of promoting treason; but these facts were within the knowledge of the public of Montreal. This man O'Connor, however, went back to New York, and made a speech describing the manner in which he was received in Montreal, especially by a person whom he called Gubee. Now, some of the newspapers, speaking these things, called him Gubee, and some Guky; but the hon. member prosecuted them all, thereby identifying himself with the Gubee of Mr. O'Connor's speech. Well, then, knowing all these things were going on, would it be said that the Press should not come out and take this matter up? Now, he asked if there was

another member in that House, or in the country, who, with such charges against him, would not have taken the usual course, and written to the newspapers, to say that this is not true? He was perfectly certain there was not a single newspaper that would not have given insertion to this contradiction. There was a fine field for action--a chance for no less than four actions, because Mr. O'Connor had made a speech, falsely charging him with these occurrences. The hon. gentleman must have been aware that this was no invention of the newspaper Press. For his own part, he would appeal to any gentleman on the other side of the House whether he had not had ten times as many libels published against him, as ever the hon. member for Sherbrooke had against him? A few nights ago the hon. member for Norfolk had made an allusion to the conduct of General Gore; this was immediately noticed by the gallant member for Hamilton; and a few nights after, the hon. member for Norfolk came down and declared that he was authorized to deny that General Gore had sanctioned the destruction which had been imputed to him. He considered that Gen. Gore ought to be glad of that opportunity of retrieving his character. But it would have put no money into the pockets of the hon. member merely to have written a letter to set his character right with the public. However, the hon. member had found the strength of public opinion too great for him in Montreal; he knew now that he was not likely to get verdicts, or that if he did get small damages, the newspapers would not be suffered to lose by them, and therefore he came down to the House with his bill. The hon. member talked of the newspapers being self-constituted tribunals; but what was the power of a newspaper unless it carried public opinion with it. When the hon. member talked of that letter he must know well that he imputed the power of the Press only to that same enlightened opinion by which that House sat. Without a certain amount of that support, no newspaper could subsist. Then, with regard to what he had written about the Judges, he would only say that if he had quoted the words used correctly--if the Judge had really laid down the law that no man must write what would give "uneasiness" to any man, whether in public station or not--if this were true, to talk of a free Press was but a farce. But the honble. member had talked of the necessity of the Press being compelled to publish articles in answer to any attacks upon them, and said that they could only be inserted by paying for them. Now, he knew something of the conduct of the Press himself<sup>94</sup>. He had been connected with the Press some ten or twelve years, and had lately spoken with a gentleman connected with the largest newspaper establishment in the Province, and as the result of his own experience, and of the gentleman's alluded to, he must say that he did not believe that such a thing had ever happened in Canada.<sup>95</sup> Some cases might arise that would induce him to refuse insertion of such articles, but certainly he never would, and had never heard of any person being asked to pay for their insertion. He did not believe there was an example of such a thing in Canada.<sup>96</sup> He did not believe the Press to be worse in Montreal than elsewhere, not so bad, he thought, as in the neighboring Republic. No action for private slander had been instituted except that of Mr. Farnden. There was no reason for saying, then, that the Press here was scurrilous. He would leave it to the hon. members opposite, by whom the hon. gentleman was surrounded, if he (Col. Gagy) had been libeled nearly as much as he (Mr. H.) had been.<sup>97</sup>

A voice, you can bear it.<sup>98</sup>

MR. INSP. GEN. HINCKS.--That might be, but he did not see why, as he had not been as long in public life as the hon. gentleman opposite. He had hoped that the disputes in which he (Mr. H.) had<sup>99</sup> without his fault<sup>100</sup> been unfortunately engaged with the hon. member for Sherbrooke would not be brought before the House; but it had been imputed to him that he had something to do with the libel published against him. He had in the hurry of business consequent upon his coming into office and his subsequent re-election, forgotten the necessity, imposed by an Ordinance of the Special Council, to go before a Magistrate and make a disposition upon giving up the management of the Pilot. When the article, in question, was written, he was absent from town and the first intimation he received of it was through an article in the Quebec Mercury, which informed him that, through his negligence, he had subjected himself to an action for libel. He had been likened by the hon. member, to a cat; he thought the comparison more just with regard to that hon. gentleman himself. Previous to the commencement of the last Session he never had the honor of the hon. gentleman's personal acquaintance. He had occasion to comment upon his public career; he was then, for the first time, introduced to him, and he had certainly hoped that there would thereafter be no personal animosity between them. He was favored by the hon. gentleman with some of those bland smiles with which he sometimes honored that House. He was enchanted, he must confess he was enchanted; he stroked the cat, and the cat purred to his heart's content. Such was the state of things when he went to St. Leon, where he was stopping when the article complained of was written; when suddenly the cat showed her claws, by pawing upon him with an action for £3000 damages.<sup>101</sup>

MR. SOL. GEN. DRUMMOND did not hear all the arguments of the hon. gentleman, as he had been indulging in a gentle slumber<sup>102</sup> of one hour, for which he was indebted to the gallant member for Sherbrooke; and he did not consider he had lost much.<sup>103</sup> He took it for granted, that it was exactly the same speech he had heard in the Court House twenty times; and he had not the slightest doubt also, although he had not heard him, that he had spoken of Don Quixote, and several other highly important historical characters; but as he had no intention to follow the hon. gentleman through all his researches and reminiscences, he would confine himself to the subject before the House, for he could not conceive that they were sent to the House for the purpose of exhibiting their powers of amusement, or to repeat passages from history; for although the study of history was highly interesting, yet the House of Parliament was not the fittest place for carrying it on; and hon. gentlemen, in his opinion, would do much better to repeat them to their children, or if they had no children, to get together a parcel of boys twelve years of age, and elevate their minds with the glowing passages which the hon. gentleman knew so well how to call. But he would dismiss that question, and, inquiring into the nature of the law at present, consider whether the proposed statute of the hon. gentleman was absolutely necessary or not. He did not know whether the proposed reform was actually required in Upper Canada, but it certainly was not required in Lower Canada; and he believed that besides himself, his hon. friend the Solicitor General West, was determined to oppose the system of passing wholesale laws for both sections of the Province, except they refer to such matters of general interest as agriculture and commerce, but if they were intended to alter the laws for the general administration of justice, he



would invariably oppose them; for the laws are altogether different in each section of the Province, and if any change were required in either, it would be far better to introduce any proposed amendment for that particular section by itself.<sup>104</sup> He deprecated the ignorance of legislators making laws and clauses for what was already law.<sup>105</sup> Now without any wish to ridicule the honorable gentleman or his productions, he must remark that the best portions of the proposed statute were in existence already, and were not the production of his brains, but were the work of Lord Campbell<sup>106</sup>; but those parts which were original with him were strikingly original.<sup>107</sup> ((They)) were so very bad, that he could not suppose they would be introduced into either section. But surely the hon. gentleman did not intend to legislate in this case for Upper Canada.<sup>108</sup> The Upper Canadian Lawyers did not require Col. Gagy's aid in making laws for their section of the Province; they knew the wants of their part of the country far better than the gallant Col. did, and they were dissatisfied with this Bill.<sup>109</sup> He therefore was bound to suppose that he intended to legislate for Lower Canada. Now, he would put it to any hon. gentleman acquainted with the libel Law of Lower Canada to say whether this proposition would be any improvement to that law. In the first clause he proposed to allow the defendant to plead an apology. Was there anything novel in that? He was quite sure that the hon. gentleman must be well aware that the defendant is allowed to put in that plea at present. In the next clause, he proposed that the defendant should be allowed to plead that the libel was inserted without malice or gross negligence. Could not that be done under the present law, without the necessity of bringing in a Bill for that purpose? The third clause proposed that the defendant be allowed to pay money into Court as amends. Now what would any lawyer advise his client to do, if he knew that he were liable to be convicted? Would he not advise him to pay five or ten pounds, or more according to his estimate of the plaintiff's character; thus it would appear that exactly the same that he proposed to gain by the introduction, could be gained under the present system of law. True it was, that hon. gentlemen were constantly coming to the House with amendments for laws which require no amendment. Nothing could stamp legislation with disgrace, or a character for ignorance more certainly, than the proposition almost daily of laws which are already in existence, and form part of the common law. The same remarks could apply to the next clause. The hon. gentleman then referred to the forth (sic) and fifth clauses, both of which were in his opinion quite unnecessary in a libel law in this Province, the last of them was the work of Lord Campbell, and therefore, the hon. member could not take any credit for it, but still although good in itself, he did not see any occasion for bringing in a bill on account of that one clause, more particularly as he was quite confident, that no Judge in Canada would sentence any person to prison for a longer term than two years; our Judges were generally inclined to act leniently--He had said that the fifth clause was copied from Lord Campbell's statute, but the seventh and eighth clauses were so original that he could at once give the hon. gentleman full credit for forming them. The hon. gentleman proposed by those clauses to allow the person attacked to write an article four times as long as that in which he was attacked and the Editor should be obliged to insert it in his next issue, under a penalty and without the right of reply! It appears to him most absurd to say that the

Editor should insert the reply in his next issue, under a penalty for such time that he refused to do so. Now the Editor could only have an opportunity of inserting the reply once--that was to say in his next issue, and if it meant anything, it appeared to him that it gave the party attacked the right of going every hour previous to the day of publication to the unfortunate Editor, and mulcting him each time if he refused to comply with his demand. He passed over the clauses thus lightly, because he did not think that the bill would be acceptable to any portion of the country. He objected to the whole bill, because it attempted at one sweep to change the law of libel in both sections of the Province, and in the next place, because what little in it was good was already in the Common Law; and what was bad was wholly objectionable.<sup>110</sup>

MR. SOL. GEN. BLAKE had got nothing to say on this bill which he had not said on Mr. Badgley's Bill on Evidence the other evening<sup>111</sup> although in the latter there were many parts he approved.<sup>112</sup> When that bill was handed to him to consider whether the Government would approve of it, he expressed his strong opinion that there were many portions of the bill not applicable to Upper Canada, and he expressed his desire that the Bill should not go to a Committee until they had a further opportunity of investigating the matter; and it was only upon the strong pressure of his hon. friend, that, as an individual, he consented to allow it to be referred to a Select Committee. When the matter came on for discussion many learned gentlemen on both sides of the House strongly objected to its being allowed to be read a second time. They objected to it on a very reasonable principle, which had struck his hon. friends as being so strong that they were determined not to attempt to legislate for the two sections of the Province together. But his hon. friend opposite, instead of saying candidly and fairly that he objected to the French law under which he lived, and wished to alter it, endeavoured by a side wind to eat into the very heart of that system. If he (Mr. Blake) found any one endeavouring to do away with the English law under which he lived in Upper Canada, he should feel great jealousy; and as he should feel this himself, he would accord to others the same liberty, and assist the hon. members from this section of the Province, in resisting any attempt to introduce the English law here. Attempts to introduce laws applicable to both sections of the Province could end in nothing but injury. The Ministry were determined to oppose them; and as this was such an attempt, he would vote against the second reading of the bill.<sup>113</sup>

(119)

*Mr. Cauchon moved in amendment to the Question, seconded by Mr. Notman, That the word "now" be left out, and the words "this day six months" added at the end thereof.*

COL. GUGY replied at great length to the various speakers.<sup>114</sup> He was glad he had conferred a public benefit by composing the Hon. and learned Solicitor-General East to sleep. He congratulated him upon his nap, which must have been such as only great and good men like himself could enjoy. He would read to the House the opinions of certain liberal writers upon the subject of the contentiousness (sic) of the Press. First, he would read from an article in the Edinburgh Review, upon the abuses of the periodical Press. (Here the hon. gentleman read.) This was from the most influential liberal

periodical in the world. He would also read the opinions of those great Americans, Franklin and Jefferson, who had condemned the licentiousness of the Press. And if he had endeavouring to circumscribe the power of the Press, he would shelter himself under the authority of great names. The hon. member for Oxford asked, if it would be possible to conduct a newspaper if they were confined to truth? if they were prevented from publishing every thing that was not true? and had said that no newspaper could be carried on upon such conditions. This is the opinion of the Hon. member for Oxford, and here was the opinion of Jefferson; the one a patriot, the other was, shall I say is, the proprietor of a newspaper. There might be individuals who fed upon falsehood, and communicated their poison to the public. What! because gentlemen choose to say that they could not be confined to truth in their newspapers, were these falsehoods to be disseminated through the community? Before sitting down, he would like to cite, for the benefit of the Hon. and learned Solicitor-General East, the decision of the highest authority in Pennsylvania. He would take occasion to remark, that effusions had repeatedly appeared in the newspaper to which he had alluded that evening, in which not himself alone, but some of the most respectable gentlemen and merchants were stigmatized as bankrupts and swindlers, and held up not to public odium alone, but as objects for assassination. The recourse of violence, recommended by Dr. Franklin, he wished to abolish. It was not to be supposed that men would be disposed to submit tamely to the abuse of newspapers for ever. There was a period when insults could no longer be borne, when nature will vindicate herself, and breaches of the peace must be the result. He had been told by the Solicitor-General West, that the reason of his objection to the Bill was, that it extended to both parts of the Province. He was not aware before that evening that this deemed by the Ministry a fatal ground of objection. He was prepared for the result, as it affected the Bill before the House, but he would not acquiesce in the principle. He thought that it would be pleasant for an immigrant from other British Possessions, when he came to Lower Canada, to know that his rights, as regarded his character, were protected by the same rules as in the country from which he came. We have the same criminal law with Upper Canada, and he thought it would be well that the hon. members of that House, and gentlemen from the Upper Province who visited Lower Canada to transact commercial affairs, should feel some protection of this kind. He did not profess any great acquaintance with the law of Upper Canada. He would leave that to men of the age and experience of the Hon. and learned Solicitor-General East. He had ascertained that a Bill on this subject had been introduced by the late Solicitor-General Cameron, and had inserted two clauses peculiarly adapted to the circumstances of Upper Canada. He had deemed it but courteous to copy them into the present Bill, and he understood that the hon. gentleman would have taken his seat before this discussion took place. But the Hon. and learned Solicitor-General had said that it was not his (Col. G.'s) composition. It is often the case that men who fall asleep forget what they should remember, and remember what they should forget. He had said before the Bill was a transcript of the Imperial Act 5 & 6 Victoria, and that he only claimed the merit of bringing it before the House.--But a gentleman holding the position of the Hon. gentleman should at least speak English correctly. He should know that the word "devices" meaning tricks, was spelt with a c, not with



an s, nor was it pronounced as if spelt with a z. He did not much care about his pronouncing the letter e like an a, but he should know the word Phenician was spelt with an i, not with an e, and ought not to be pronounced Phenucian. He ought to know how Scriptural proper names were spelt and pronounced in English, and that he should have said Petiphar's wife, not Putiphar's. He had a great respect for the Commission that gentleman carried in his pocket, but it did not make him an authority. He was very successful in trading upon a very small capital. His Commission, was, no doubt, a piece of parchment, with a seal affixed to it. It enabled him to sign himself Solicitor-General, but by no means constituted him an authority. He had read the Bill in a most uncandid and disingenuous manner. It is well he should have his joke, but it would be better if his joke were founded upon fact. If he deals uncandidly before such an assembly of educated and intelligent men as this, what must he do when there is no check upon him? He had spoken of the 8th clause, and said that according to its provisions, if a reply to a slander were presented at each hour on the day before the first issue of the paper, for publication, and were as often refused, the Editor of the paper would be subject to a fine of £10 for each refusal. This clause was capable of no such interpretation. He had not seen any of the great abilities of the Solicitor-Gen. East, but he might, perhaps, improve with time. The Hon. Inspector-General might indulge in remarks, and withdraw, but that should not prevent him from retaliation. The remarks of the Hon. Inspector-General might be satisfactorily answered. He had contributed not only with his pen, but with his purse, by subscribing to a fund to indemnify the authors of the libel to persecute a lady. The Inspector-General had contrived to prejudice the whole Press against him, by attributing to him (Col. G.) words that he had never used. He believed a great part of the Press to consist of men of honor, industry, and education. He could do things of that kind in newspapers, but not in that House, where he (Col. G.) had a right to reply. When he heard the Hon. member tell the House that an apology had been offered to that lady, he was astonished, he feared that veracity was banished from among them. Jurors could be found to prove that the course of argument that was afterwards pursued was such as was still more insulting to her feelings; and it was for the prevention of such a course in future that he brought that measure. He (Col. G.) had been impertinently censured for putting money in his pocket, and was told that it was for this purpose that he had brought actions against the Press. If the Solicitor-General East and Inspector-General wished to compose themselves a Court of Honor, to say what a gentleman should do with his money, he (Col. G.) should like to know when and where they were going to hold their sittings, for he should like to know that before he could bring his case before them. When a person of the name of O'Connor came here, the Inspector-General had taken care to make it appear, inferentially, that he was a friend of his (Col. G.'s) and when he made that assertion he knew that it was not true. He had met O'Connor once, as a stranger, and an accident of that kind was not enough to make out a charge of treason. He (Mr. Inspector-General) had chosen to assert that falsehood in his newspaper, and to make it a charge of treason against him, (Col. G.,) a loyal gentleman, and at the same time to insult the whole body of Conservatives. He had brought that action for the purpose of putting down that slander, and not from the pecuniary motives the Inspector-General had chosen to attribute to him. He had good cause for the course he had taken. The Inspector-General's

argument was a pretty mode of ratiocination, it reminded him of the story of Jeremiah the King and cucumbers--a small kind of cucumbers were called gherkins, and because a combination of the sound of cucumbers and gherkins was like that of Jeremiah King, therefore cucumbers were Jeremiah the King. The argument of the Inspector-General, that proved him (Col. G.) to be a traitor, was similar to that. If the Inspector-General, in his newspaper, had copied the whole of O'Connor's speech, he (Col. G.) could not have complained; he had not complained of this, but of interlineation, and of a long article asserting the Col. Gubee meant him, and inferring that not only he, but others with whom he acted, had been guilty of treason. He brought these actions because he knew that if he could establish a verdict in a Court of Justice it would prove that those assertions were slanderous falsehoods. He (Col. G.) had been accused of using foul language; if he had done so it was only a retaliation. If he had spoken wrongly of any man he should be always ready to apologize; but those who play with bows must expect sometimes to receive arrows; and the Inspector-General, who has been in the habit of calumniating every body in his newspaper, must not expect to escape, without retaliation. The Inspector-General had told the House that for the omission of a little form he had been put to the inconvenience of having an action brought against him. That little form was an oath, and one of the most solemn things a man could do. There was such a thing as subornation of perjury, and he should like to see the Inspector-General clear up all the circumstances attending that little form; but the truth is mighty and will prevail; the time would shortly come when they would hear a little more of that little form. The Inspector-General was like the woman in Germany, who had poisoned her children, and who said that she had only given them a little white powder--the little forms of the Hon. gentleman were like that--only a little white powder. The Solicitor-General had charged him with having no practice in the Courts; it might be as true as it was wide of the argument. The Hon. gentleman proceeded to speak of the abuse he had received for turning a boy out of his house, who had been sent by the Hon. Inspector-General; he said it was natural that he should do so, and that he should not wish to be degraded in the eyes of his children, by letting them see the foul libels that had been written against him.<sup>115</sup>

After Col. Guky had been speaking for between two or three hours, MR. J. SMITH (Durham) rose to protest against the time of the House being wasted in this manner, on personal matters, in which the country had no interest.<sup>116</sup> ((He)) did not wish to interrupt the hon. gentleman, but he had now spoken four hours, and thought his present remarks perfectly irrevelant to the subject.<sup>117</sup>

COL. GUGY had done and would be happy to listen to the remarks of the hon. gentleman; but when he was corrected he wished to be corrected in English grammar, and he would beg to remind the hon. gentleman that ir-revelant was not English, the word was irrelevant.<sup>118</sup>

MR. COM. CR. LANDS PRICE said, the question before the House was to amend the Law of Libel, and<sup>119</sup> put it to every hon. member of the House, whether more libels had not been perpetrated to-night, in the discussion of this question, than they had ever seen in the papers? (Hear, hear.) And

he would put it to hon. members, whether those personalities should be reiterated in their ears night after night, and the business of the country stopped in this manner? They had been discussing for four or five hours, and he did not believe that half an hour had been devoted to the question before the Chair.<sup>120</sup> He would put it to the hon. gentleman himself, if he thought it fair to take up the time of Parliament.<sup>121</sup> Was there no rule before the House by which a stop could be put to such conduct? He thought it was the duty of the House to put down hon. members intruding their personal affairs on the House in this way.<sup>122</sup> He had gone to the Library for the purpose of ascertaining how far the hon. gentleman had a right to go, and he had brought a book, but he would not then read.<sup>123</sup>

MR. J. S. MACDONALD (Glengarry) said, that a member of Congress spoke for six hours, and Congress had determined that such a thing must be put an end to. He would be in favor of introducing the half hour system.<sup>124</sup>

MR. CAUCHON would only read two or three lines, and did so, to the effect, that a member had a right to speak as long as he pleased; but that when he was tedious and went wide of the question, the Speaker had the right to interrupt him, and the House should support the Speaker.<sup>125</sup>

MR. MORIN the SPEAKER said, that he would not pretend to judge of tediousness, but he would say that the hon. gentleman had not adhered to the question before the House.<sup>126</sup>

MR. MCCONNELL was glad to hear the hon. member for Glengarry express the sentiment, that members should only speak half an hour.<sup>127</sup>

DR. LATERRIERE thought that the Bill must be a very bad one, indeed, since it had taken so many hours to prove that it was good for anything. (Laughter.)<sup>128</sup> The four hours eloquence of the hon. gentleman had had the effect of making them think differently from him.<sup>129</sup>

(119)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cartier, Cauchon, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Flint, Fortier, Guillet, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Macdonald of GLENGARRY, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, and Viger.--(37.)*

NAYS.

*Messieurs Badgley, Boulton of TORONTO, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Papineau, Robinson, Smith of FRONTENAC, and Stevenson.--(12.)*

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

*Ordered, That the Bill be read a second time, this day six months.*



(120)

Emigration Bill.*The Order of the day for the second reading of the Bill to amend the Emigration Act, being read;*<sup>130</sup>

MR. PRES. EX. COUN. MERRITT ((moved)) the Bill to amend the Emigration Act... ((be)) read a second time, and referred to a Committee of the whole House.<sup>131</sup>

(120)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.**Resolved, That this House will immediately resolve itself into the said Committee.**The House accordingly resolved itself into the Committee.**Mr. Watts took the Chair of the Committee;*

MR. PRES. EX. COUN. MERRITT rose briefly to explain the object of the bill<sup>132</sup> before the Committee.<sup>133</sup> The subject of Emigration had occupied the attention of the public both in England and in this country for some years past, and many measures had been proposed in both Houses of the Imperial Parliament to promote emigration from Great Britain to this country, but up to this time no efficient system had been adopted. In 1841 a system of emigration was attempted in the country. In that year an Act was passed imposing a tax of one dollar on adults, and half on children. In that Act the manner in which the money taken by this tax should be expended, was indicated, viz., to create a fund for enabling indigent emigrants to proceed to their place of destination, and to support them till they could procure employment.<sup>134</sup> He would call the attention of the House to the effect of that Act; it had been to<sup>135</sup> increase the amount of pauper emigration to this country, and to banish good emigration--men of wealth and capital.--They found that in 1847 the emigration had so increased that we were visited with a very heavy calamity, and alarm was created throughout the country. The expense attending this system of emigration had been enormous both to the Mother Country and Canada, and the only effect of the system was to draw population to this country, and then pay their passage from the time they left Quebec till they reached the United States.<sup>136</sup> The terms and object of the Bill now proposed, was (sic) to change that system.--<sup>137</sup> The Acts of 1841 and 1848 were both repealed and a different system introduced. It was not intended that the tax imposed here should be<sup>138</sup> expended exclusively on the Quarantine Station<sup>139</sup> and to protect the public from pauper immigration.<sup>140</sup> And if they looked at New York, they would find that that system had worked well. Providing for the wants of Emigration when they came out here, had had the effect of drawing all the poor through Canada.<sup>141</sup> The tax imposed in 1848, and which was to be doubled after September, was 10s. on ((men)) as well as on children. It was now proposed to reduce the tax on children<sup>142</sup> over 12 years<sup>143</sup> one half<sup>144</sup>, children under 12 years, nothing<sup>145</sup>, and to make the tax on adults 10s. during the ... year. It was the intention of the Government to make (sic) it lower, had it not been for apprehensions of children next year, which would increase the expenses of the Quarantine. It was, however, to be regarded as but the beginning of the system, for<sup>146</sup> the lower the tax, the greater was found the Emigration; if that disease should not break out, they intended to reduce it lower.<sup>147</sup> The hon. member concluded by moving the first enactment.<sup>148</sup>

On the clause for imposing a tax of 10s. per head being read,<sup>149</sup> MR. CAUCHON would move in amendment, that the tax be 7s. 6d. When they had made

the other law, they were afraid that all the misery of Ireland was to be brought out to this country, and he thought that they had put the rate too high. He was sorry his hon. friend for the County of Quebec was not in his place, for he was to have seconded his amendment. He thought the Cholera would come as well with a tax of 7s. 6d. as of 10s.--there was no price for that. He had seen the cholera when it came to Quebec. He was of opinion that emigration enriched the country. (He went over the same remarks in French.)<sup>150</sup>

MR. AT. GEN. BALDWIN had no objection to the amendment if the House were in favor of it. The Government were nowilling (sic) to take the responsibility of it, as<sup>151</sup> hon. gentlemen would see that a visitation like the Cholera would produce a large additional expense. He invited the discussion of the Committee; the Government had thought that 10s. was the best in view of the visitation, but that notwithstanding, if the Committee thought it safe to adopt the lower rate, they would be happy to adopt it.<sup>152</sup>

MR. DEWITT supported the amendment. He thought a tax of 7s. 6d. would be quite high enough. They must remember that the Government had been put to great expense in building sheds, &c., which they would not have in future years.<sup>153</sup> He would induce as much emigration as possible to come that way. They had found that counting three children one had brought in as much money. He would prefer a lower rate. Their object was not to take money from the immigrant, but to assist him.<sup>154</sup>

MR. BADGLEY said a few words in a low voice; we understood to the effect that the object of the tax was not for raising revenue, but to aid the emigrant. He said it would assist the discussion if they could find out what class of immigrants would be expected out here this spring.<sup>155</sup>

MR. PRES. EX. COUN. MERRITT said that he forgot to mention a Despatch that would be laid before the House.<sup>156</sup> The Ministry had information that<sup>157</sup> a large emigration of the better class was expected from Ireland, but that the greater part would go to the United States<sup>158</sup> if the tax was not reduced.<sup>159</sup>

SIR A. MACNAB took it for granted that this measure had been well considered by the Government; they had the power and opportunity of getting all necessary information to come to the determination what amount of tax it would be necessary to place on emigration for the purpose of raising a fund for that advantage. They proposed a tax of 10s. Having those advantages, and the responsibility resting with the Government, he should support them, and leave the matter entirely in their hands.<sup>160</sup>

MR. EGAN said a great many respectable emigrants were coming out this year, and if the tax was reduced to a moderate rate, the same as that in the United States, doubtless a great portion of the emigrants now intending to go by that route would come here.<sup>161</sup> They ought to endeavour to get it through this country.<sup>162</sup> There had been a great disposition in this House to legislate for commerce, and to force commerce down the St. Lawrence. He thought it was equally important they should force commerce up the St. Lawrence; and he thought they could do it to no greater advantage than by inducing a healthy and good class of people to come to the country, and he was satisfied it would greatly aid the progress of the country. There was another important point to which he would call the attention of the House,

and that was<sup>163</sup> the large quantities of immigrant vessels coming out here reduced the rate of freight cheaper home.<sup>164</sup> That was a consideration that ought not to be lost sight of.<sup>165</sup> He hoped that the Government would reduce the rate to 7s. 6d.<sup>166</sup>

MR. BADGLEY was in favor of the lowest rate of tax.<sup>167</sup>

SIR A. MACNAB asked the Ministry if they had no information relative to the number of emigrants who had arrived during the last two years, and the expenses incurred by Government on their account, also the probable number of emigrants expected this year.<sup>168</sup>

MR. PRES. EX. COUN. MERRITT said, that the Despatch of which he had spoken, offered no other information than that a large number of vessels would leave.<sup>169</sup>

MR. H. BOULTON (Norfolk) asked how it would be possible for the Ministry to tell what number of emigrants could be expected during the coming season? It would be just as well to expect that the Hon. Attorney General West could tell the amount of Cholera that was to be expected.<sup>170</sup> When the cholera came, it carried off people so rapidly, that much expense would not be incurred; and that the tax of 7s. 6d. would be sufficient.<sup>171</sup> He did not think that the difference of 2s. 6d. individually would be so great as it would be in the aggregate; but he would wish to call the attention of the Government to another part of the subject.<sup>172</sup> With regard to granting aid to Emigrants going up the country, he was of opinion that the House should express itself strongly that it would not grant aid of this kind, for when it was known, it would prevent so many paupers from being sent out.<sup>173</sup> He had noticed during several years past, that a large class of people who were assisted by the Government to go to the Upper Lakes, immediately crossed over to the neighbouring States<sup>174</sup>. He thought that was very unjust<sup>175</sup> and therefore he would like to see that part of the system abolished altogether.<sup>176</sup> He thought the money might be much better expended at Grosse Isle.<sup>177</sup>

MR. ROBINSON said, the Hon. member seemed to think that 7s. 6d. was sufficiently high, but for the prospect of Cholera. He (Mr. R.) should feel inclined to regard it irrespective of the Cholera altogether.<sup>178</sup> If 7s. 6d. were sufficient to cover the expenses of the immigration, it would be as well to adopt that rate.<sup>179</sup> He had not so much dread of a pauper Emigration as some people had. He did not wish to discourage poor people from coming<sup>180</sup> for he knew that some parts of the country were settled by people who came out without a shilling; and he would therefore say, let them come, provided they have health and strength.<sup>181</sup> He would support the amendment of his Hon. friend from Montmorenci.<sup>182</sup>

MR. INSP. GEN. HINCKS thought it right that the House should know that the<sup>183</sup> supporting and forwarding emigrants<sup>184</sup> exceeded the amount collected from the tax; £7000. He did not recollect the gross amount received from the tax, but he thought it was about £170,000. He thought it exceedingly generous of the Imperial Parliament to pay the surplus of the expenses, for he did not think that it had any right to do so.<sup>185</sup> If the Imperial Government sent these people out, then he would admit they would have some right to make such a claim but since the emigrants came out of their own free will, that was to say, without being compelled to do so by the Government, he conceived that any funds given by the Imperial Government could only have been given through motives of generosity. With respect to the proposed tax,



he would be glad to see it done away with altogether, if that were possible, for the natural result of laying on such a heavy tax for the benefit of the pauper, was that that class almost alone came to our shores, for those who were in respectable circumstances were disgusted with the imposition of the tax.<sup>186</sup> Those persons who did not want aid, did not want to be taxed to send others up the country. Their object was to do away with the system of granting that kind of aid as soon as possible.<sup>187</sup> He was almost confident that the expenditure at Grosse Isle could be greatly reduced, as also the expenses of forwarding, and if that were the case, he hoped that it would be in their power, at some future day, to diminish the tax very materially, but hon. gentlemen would see from the statement made by his hon. friend, that it would not be right to lower the tax at this moment when there is good reason to believe that the cholera will visit the country very shortly.<sup>188</sup> It would be unjust to Quebec and Montreal to leave paupers there. It might be to incur some heavy expenses at the Quarantine Station next year.<sup>189</sup> The amendment proposed by the hon. member for Montmorenci was one of those questions on which the sense of the House might fairly be taken. He was not opposed to it himself; and whether concurred in or not, it must be evident that the Bill of his hon. friend would be of great advantage.<sup>190</sup>

MR. HOLMES was in favor of putting the tax at the very lowest rate,<sup>191</sup> inasmuch as the necessity of throwing open the navigation of the St. Lawrence had been urged upon the Mother Country, and it was manifestly for the advantage of the Province that the influx of emigrants should be encouraged--no matter from what country they came, or whether, when they are here, they prove birds of passage or settle in the Province.<sup>192</sup> He was sorry to see no provision in the Bill for punishing Captains, who were in the habit of taking more passengers than they ought.<sup>193</sup>

MR. BADGLEY explained that Captains could be punished in this country under the provisions of the Imperial Act.<sup>194</sup>

MR. H. BOULTON (Norfolk) said, that they wanted to encourage healthy emigration<sup>195</sup> not ... the importation of paupers<sup>196</sup> and he thought it might be better to impose no tax at all on those who were able to help themselves<sup>197</sup>, who had sufficient means to keep them from becoming a burden to the country. He would ((not)) do this for the purpose of putting a tax upon the poor man, but to make those landlords pay who sent this class of persons out of the country to relieve themselves of their support from the poor laws. He thought that those persons who could show that they possessed, say £5 or £10, should not be liable to a tax.<sup>198</sup> He did not expect that the Committee would then act upon it, but he threw it out as worthy of consideration.<sup>199</sup>

MR. W. BOULTON (Toronto) agreed with the hon. gentleman who had sat down; their object was to prevent an emigration like that of the year before last. The country was in want of laborers, and the poorest of those who came, were not without their value. He had no doubt the country had been amply repaid for the expenses it had been put to for the poorest emigration. He did not think that they might expect a large emigration from Ireland next summer, in consequence of the large amount of mortality there. The country had gained considerable advantage from those emigrants who had come from Germany.<sup>200</sup>

MR. MEYERS said that paupers came from other parts of Europe besides Ireland, and it was well known the country stood much in want of labourers.<sup>201</sup>

DR. BEAUBIEN wished to know how much was paid by emigrants arriving in the United States.<sup>202</sup>

MR. PRES. EX. COUN. MERRITT said that he thought the sum charged upon the emigrant at New York would be 7s. 6d.<sup>203</sup>

DR. BEAUBIEN remarked, if they wished the tide of emigration to come by the St. Lawrence, they ought to make the sum less than it was by New York and if they wished to give the preference to the St. Lawrence, they ought to make the tax 5s.<sup>204</sup>

MR. PAPINEAU said, that the experience of many years had shown that the Province has had to go to considerable expense to pay for emigrants coming into the country.<sup>205</sup> If they wished to secure the health of the emigrants and assist in keeping them from conveying sickness to others, some rule ought to be adopted to assimilate the Act respecting the room allowed to each person in the vessel to what it was in the United States.<sup>206</sup> He complained of the subject being brought forward without notice having been given, as it had given members no time to prepare.<sup>207</sup>

MR. PRES. EX. COUN. MERRITT said the reason they had brought it on that night, was because the Mail left for England to-morrow.<sup>208</sup>

MR. LYON said that if captains of vessels carried a greater number than the law allowed, they would be liable to a penalty of £50.<sup>209</sup>

MR. PRES. EX. COUN. MERRITT said the American law was the same as that under which the emigrants embarked to come to Canada.<sup>210</sup>

MR. SMITH was disposed to accept the Bill as prepared by the Ministry. It was said indeed that the difference between 7s. 6d. and 10s. would not prevent the cholera from coming. That was true; but the higher tax might prevent the large influx of poor emigrants, and so save responsibility to the Province and misery to the people.<sup>211</sup>

((There were)) a few more words from other members.<sup>212</sup>

MR. PRES. EX. COUN. MERRITT said, that as it appeared to be the sense of the House that 7s. 6d. was the best, he would propose it.<sup>213</sup>

The amendment was carried unanimously.<sup>214</sup>

The other clauses went through the Committee without discussion<sup>215</sup>.

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Watts reported, that the Committee had gone through the Bill, and made amendments thereunto.*

Ordered, That the Report be received to-morrow.

MR. J. S. MACDONALD (Glengarry)<sup>216</sup> moved for a commission to examine witnesses in the case of this contested election at L'Orignal and Hawkesbury--a Mr. Mackenzie being petitioner against the sitting member. There

were 104 witnesses to examine.<sup>217</sup>

MR. JOHNSON, the sitting member, opposed the motion. The petitioner had not been a candidate at the election, and L'Orignal was not so far but that the parties might readily come down. Besides, the parties named on the commission were all friends of the petitioner, and the petitioner might as well be appointed himself. The securities, too, were not, except one person, worth a fraction.<sup>218</sup>

MR. J. S. MACDONALD complained of the allegation of insolvency against the petitioner, and stated that the sitting member was returned only by a majority of one; so that it was very probable his election would be declared null.<sup>219</sup>

The motion was ultimately granted<sup>220</sup>.

(120)

On motion of Mr. Macdonald, of Glengarry, seconded by Mr. Morrison,

Prescott  
Election.

Resolved, That William K. Mackenzie, Esquire, complaining of the undue Election and Return of  
T. H. Johnson, Esquire, as Member to represent

the County of Prescott in this present Parliament, have leave to add the following names to the List of Witnesses put, in his behalf, at the striking of the Committee to try the Controverted Election for the said County of Prescott:--

Colonel John Kearnes.....	Plantagenet.
Peter M'Martin.....	do
Michael Ryan.....	do
Patrick Ryan.....	do
Malcolm M'Martin.....	do
John M'Crank.....	do
Charles Waters.....	West Hawkesbury.
James P. Wells.....	do do
Peter M'Crimmon.....	do do
Henry Walker.....	do do
Duncan Dewar.....	do do
Alexander M'Caskiel.....	do do
John Sample.....	do do
Norman M'Rae.....	do do
Patrick Bulger.....	do do
John Garland.....	do do
Joseph Mullakin.....	do do
Roderick M'Rae.....	do do
Thomas M'Cafferty.....	do do
Farquhar Robertson.....	do do
Benjamin D. Flyn.....	do do
Thomas Higginson.....	do do
Peter M'Laurin.....	Caledonia.
William Bradley.....	do
Kenneth M'Leod.....	do
Hugh M'Master.....	do
John M'Master.....	do
John M'Cuaig.....	do



William Jameson.....	East Hawkesbury.
Archibald M'Bean.....	do do
John M'Cuaig.....	do do
George D. Reed.....	L'Orignal.
Chauncey Johnson.....	do
John W. Sylvester.....	do
Johnson Fitzpatrick.....	do

Resolved, That this House do nominate and appoint, under the hand and seal of Mr. Speaker, three Commissioners for the purpose of examining the Witnesses of the parties in the Controverted Election for the County of Prescott, and that Charles Waters, of West Hawkesbury, Esquire, Donald M'Donald, (Fort William,) of L'Orignal, Esquire, and Peter O'Brian, of the same place, Attorney at Law and Solicitor in Chancery, be such Commissioners, who shall be authorized and empowered to hold their several sittings at the Town of L'Orignal, in the Ottawa District, on tenth day of March instant, with the said Donald M'Donald, Esquire, as Chairman of the said Commission; and that the said Commissioners be also subsequently at liberty to sit at Vankleek Hill in the said District, and at Plantagenet in the said District, and to adjourn from day to day, as may be found necessary.

Ordered, That the Clerk of the Crown in Chancery do transmit to the Chairman of the Commissioners appointed to take the examination of the Witnesses in the matter of the Controverted Election for the County of Prescott, the original Poll Books of the last Election for the said County, and all papers and documents in his possession connected with or relating to the said Controverted Election, or true copies thereof.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Macdonald, of Glengarry, seconded by the Honorable Mr. Price,  
The House adjourned.

APPENDIX: 1 MARCH 1849.

((CONVERSATION RE: EMIGRATION BILL AND NECESSITY OF EXPEDITING IT.))<sup>221</sup>

MR. EGAN begged to remind the Ministry that the English mail would leave Montreal to-morrow, and that it was a matter of considerable importance to the English ship-owners to know the nature of the Bill imposing a tax on emigrants that the Government intended to introduce, as the amount of the tax imposed would have a great effect on their trade; and if the Bill were not passed before the sailing of this packet, most of the vessels for our ports would be already under way.<sup>222</sup>

MR. PRES. EX. COUN. MERRITT said that the Bill referred to by the hon. member would be passed as soon as possible. In the meantime he would state that the tax would not be higher than (sic) ten shillings for each person.<sup>223</sup>

A member of the Opposition.--"Make it five shillings."<sup>224</sup>

MR. H. BOULTON recommended that the Bill should be taken up at once.<sup>225</sup>

MR. SHERWOOD.--To-morrow is Government day.<sup>226</sup>

MR. H. J. BOULTON.--Yes, and to-morrow is packet day. If the Bill were not passed immediately it would be too late to be of any advantage this spring. On a matter of such importance he hoped there would be no objection to allow it to be brought up immediately.<sup>227</sup>

MR. HOLMES had seen letters from England urging the immediate passage of some measure on Emigration. If it was not passed at once, the stream of emigration would be directed to the neighboring States; but if it were, and sent by mail to-morrow, shipowners in England would be enabled to obtain freight for their outward bound ships, instead of sending them out empty.<sup>228</sup>

It was then agreed to bring the bill up on the first opportunity.<sup>229</sup>

((POSTPONED RESOLUTIONS RE: FINANCIAL AND OTHER MATTERS.))<sup>230</sup>

MR. CHRISTIE postponed his resolutions on financial and other affairs relating to government, of which he had given notice, for a fortnight, until the public accounts for 1848 should be laid before the house.<sup>231</sup>

((POSTPONED BILL RE: VOTING FACILITIES IN ST. ROCH.))<sup>232</sup>

M. CHAUVEAU voulut introduire ... un bill pour faciliter la votation dans la ville de Québec et notamment au faubourg St. Roch.<sup>233</sup>

MR. AT. GEN. LAFONTAINE le pria de vouloir remettre sa mesure, pour éviter des frais inutiles d'impression en autant que l'administration avait introduit une mesure générale et qu'il serait facile d'y intercaler les dispositions essentielles de cette mesure partielle, dans le cas où la chambre croirait devoir les accepter.<sup>234</sup>

M. CHAUVEAU demanda à M. LaFontaine s'il s'engageait à faire entrer les dispositions de ce bill dans la mesure générale de l'administration.<sup>235</sup>

MR. AT. GEN. LAFONTAINE répondit qu'il ne s'engageait à rien, qu'il ne disait ni oui ni non; que, comme de raison, il voulait réfléchir avant de se prononcer.<sup>236</sup>

Alors répliqua M. CHAUVEAU, "je vais diviser la chambre."<sup>237</sup>

La chambre allait en effet se diviser pour donner la mort à ce bill ... , puisqu'il peut être compris dans une clause du bill général de M. La-Fontaine.<sup>238</sup>

M. CHAUVEAU ... évita le coup fatal en remettant à la quinzaine la première lecture de son bill.<sup>239</sup>



FOOTNOTES: 1 MARCH 1849.

1. The debate on this matter was reported by: LA MINERVE, 5 March 1849; and PILOT, 2 March 1849, PACKET, 10 March 1849, HAMILTON SPECTATOR, 10 March 1849, and GLOBE, 10 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
2. HAMILTON SPECTATOR, 10 March 1849.
3. IBID.
4. The debate on this matter was reported by: LA MINERVE, 5 March 1849; and PILOT, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
5. HAMILTON SPECTATOR, 10 March 1849.
6. IBID.
7. The debate on this matter was reported by: LA MINERVE, 5 March 1849; and PACKET, 10 March 1849, PILOT, 2 March 1849, HAMILTON SPECTATOR, 10 March 1849, and GLOBE, 10 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
8. HAMILTON SPECTATOR, 10 March 1849.
9. IBID.
10. IBID.
11. IBID.
12. The debate on this matter was reported by: MONTREAL GAZETTE, 2, 5 March 1849; PILOT, 2 March 1849; LA MINERVE, 5 March 1849; and LE JOURNAL DE QUEBEC, 6 March 1849. PACKET, 10 March 1849, HAMILTON SPECTATOR, 10 March 1849, and LA MINERVE, 5 March 1849, noted the debate. Commentaries may be found in PILOT, 2, 5 March 1849.
13. MONTREAL GAZETTE, 5 March 1849.
14. PILOT, 2 March 1849.
15. MONTREAL GAZETTE, 5 March 1849.
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29. MONTREAL GAZETTE, 5 March 1849.
30. PILOT, 2 March 1849.
31. MONTREAL GAZETTE, 5 March 1849.
32. PILOT, 2 March 1849.
33. IBID.
34. IBID. The ellipses represent illegible words.

35. MONTREAL GAZETTE, 5 March 1849.
36. PILOT, 2 March 1849. The ellipses represent illegible words.
37. MONTREAL GAZETTE, 5 March 1849.
38. PILOT, 2 March 1849.
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46. PILOT, 2 March 1849.
47. MONTREAL GAZETTE, 5 March 1849.
48. PILOT, 2 March 1849. The ellipsis represents an illegible word.
49. MONTREAL GAZETTE, 5 March 1849.
50. IBID.
51. IBID.
52. PILOT, 2 March 1849.
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79. IBID.
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86. IBID.
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92. PILOT, 2 March 1849.
93. IBID.
94. IBID.
95. MONTREAL GAZETTE, 5 March 1849.
96. PILOT, 2 March 1849.
97. MONTREAL GAZETTE, 5 March 1849.
98. IBID.
99. IBID.
100. PILOT, 2 March 1849.
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110. PILOT, 2 March 1849.
111. IBID.
112. MONTREAL GAZETTE, 2 March 1849.
113. PILOT, 2 March 1849.
114. IBID.
115. MONTREAL GAZETTE, 5 March 1849.
116. PILOT, 2 March 1849.
117. MONTREAL GAZETTE, 5 March 1849.
118. IBID.
119. IBID.
120. PILOT, 2 March 1849.
121. MONTREAL GAZETTE, 5 March 1849.
122. PILOT, 2 March 1849.
123. MONTREAL GAZETTE, 5 March 1849.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. PILOT, 2 March 1849.
129. MONTREAL GAZETTE, 5 March 1849.
130. The debate on this matter was reported by: MONTREAL GAZETTE, 5 March 1849; LA MINERVE, 5 March 1849; and PILOT, 2 March 1849, PACKET, 10 March 1849, HAMILTON SPECTATOR, 10 March 1849, and GLOBE, 10 March 1849, in identical accounts. Commentaries may be found in GLOBE, 7 March 1849, and LE JOURNAL DE QUEBEC, 8 March 1849.
131. MONTREAL GAZETTE, 5 March 1849.
132. PILOT, 2 March 1849.



133. MONTREAL GAZETTE, 5 March 1849.
134. PILOT, 2 March 1849.
135. MONTREAL GAZETTE, 5 March 1849.
136. PILOT, 2 March 1849.
137. MONTREAL GAZETTE, 5 March 1849.
138. PILOT, 2 March 1849.
139. MONTREAL GAZETTE, 5 March 1849.
140. PILOT, 2 March 1849.
141. MONTREAL GAZETTE, 5 March 1849.
142. PILOT, 2 March 1849.
143. MONTREAL GAZETTE, 5 March 1849.
144. PILOT, 2 March 1849.
145. MONTREAL GAZETTE, 5 March 1849.
146. PILOT, 2 March 1849. The ellipsis represents an illegible word.
147. MONTREAL GAZETTE, 5 March 1849.
148. PILOT, 2 March 1849.
149. IBID.
150. MONTREAL GAZETTE, 5 March 1849.
151. PILOT, 2 March 1849.
152. MONTREAL GAZETTE, 5 March 1849.
153. PILOT, 2 March 1849.
154. MONTREAL GAZETTE, 5 March 1849.
155. IBID.
156. IBID.
157. PILOT, 2 March 1849.
158. MONTREAL GAZETTE, 5 March 1849.
159. PILOT, 2 March 1849.
160. IBID.
161. IBID.
162. MONTREAL GAZETTE, 5 March 1849.
163. PILOT, 2 March 1849.
164. MONTREAL GAZETTE, 5 March 1849.
165. PILOT, 2 March 1849.
166. MONTREAL GAZETTE, 5 March 1849.
167. PILOT, 2 March 1849.
168. IBID.
169. MONTREAL GAZETTE, 5 March 1849.
170. PILOT, 2 March 1849.
171. MONTREAL GAZETTE, 5 March 1849.
172. PILOT, 2 March 1849.
173. MONTREAL GAZETTE, 5 March 1849.
174. PILOT, 2 March 1849.
175. MONTREAL GAZETTE, 5 March 1849.
176. PILOT, 2 March 1849.
177. MONTREAL GAZETTE, 5 March 1849.
178. IBID.
179. PILOT, 2 March 1849.
180. MONTREAL GAZETTE, 5 March 1849.
181. PILOT, 2 March 1849.
182. MONTREAL GAZETTE, 5 March 1849.
183. IBID.
184. PILOT, 2 March 1849.

185. MONTREAL GAZETTE, 5 March 1849.
186. PILOT, 2 March 1849.
187. MONTREAL GAZETTE, 5 March 1849.
188. PILOT, 2 March 1849.
189. MONTREAL GAZETTE, 5 March 1849.
190. PILOT, 2 March 1849.
191. MONTREAL GAZETTE, 5 March 1849.
192. PILOT, 2 March 1849.
193. MONTREAL GAZETTE, 5 March 1849.
194. IBID.
195. IBID.
196. PILOT, 2 March 1849.
197. MONTREAL GAZETTE, 5 March 1849.
198. PILOT, 2 March 1849.
199. MONTREAL GAZETTE, 5 March 1849.
200. IBID.
201. PILOT, 2 March 1849.
202. IBID.
203. IBID.
204. IBID.
205. MONTREAL GAZETTE, 5 March 1849.
206. PILOT, 2 March 1849.
207. MONTREAL GAZETTE, 5 March 1849.
208. IBID.
209. PILOT, 2 March 1849.
210. IBID.
211. IBID.
212. MONTREAL GAZETTE, 5 March 1849.
213. IBID.
214. IBID.
215. PILOT, 2 March 1849.
216. The debate on this matter was reported by: MONTREAL GAZETTE, 5 March 1849; and PILOT, 2 March 1849, HAMILTON SPECTATOR, 10 March 1849, and GLOBE, 10 March 1849, in identical accounts. The GLOBE will be reproduced instead of the difficult to read PILOT.
217. GLOBE, 10 March 1849.
218. IBID.
219. IBID.
220. IBID.
221. The debate on this matter was reported by: MONTREAL GAZETTE, 2 March 1849; LA MINERVE, 5 March 1849; and PILOT, 2 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
222. HAMILTON SPECTATOR, 10 March 1849.
223. IBID.
224. IBID.
225. IBID.
226. IBID.
227. IBID.
228. IBID.
229. IBID.

230. The debate on this matter was reported by: LA MINERVE, 5 March 1849; and PILOT, 2 March 1849, PACKET, 10 March 1849, and HAMILTON SPECTATOR, 10 March 1849, in identical accounts. The HAMILTON SPECTATOR will be reproduced instead of the difficult to read PILOT.
231. HAMILTON SPECTATOR, 10 March 1849.
232. LE JOURNAL DE QUEBEC, 6 March 1849.
233. IBID.
234. IBID.
235. IBID.
236. IBID.
237. IBID.
238. IBID.
239. IBID.



FRIDAY, 2 MARCH 1849.

(120)

On motion of Mr. Cartier, seconded by Mr. DeWitt,

Petitions for  
Private Bills.

Resolved, That the time for receiving Petitions for  
Private Bills be further extended till Saturday,  
the tenth of March instant.

Private Bills.

of March instant.

Resolved, That the time for receiving Private Bills  
be further extended till Tuesday, the twentieth

Reports on  
Private Bills.

cond of April next.

Resolved, That the time for receiving the Reports  
of Select and Standing Committees on Private  
Bills be further extended till Monday, the se-

Petitions  
brought up.

The following Petitions were severally brought  
up, and laid on the table:--

By Mr. M'Farland,--The Petition of Ozias Buchner and others, of the  
Township of Thorold, District of Niagara.

By Mr. Flint,--The Petition of T. H. Ketchum and others, of the Town-  
ships of Cramahe and Murray, District of Newcastle.

By Mr. Lemieux,--The Petition of the Reverend P. Beaumont and others,  
of the Parish of St. Jean Chrysostôme, County of Dorchester.

By Mr. Cartier,--The Petition of the Honorable Joseph Bourret and others,  
of the City of Montreal.

By the Honorable Mr. Attorney General Baldwin,--The Petition of the  
Oneida Indians of the Township of Delaware, District of London.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of C. J. Duchesnay, Esquire, and others, of the County of Richelieu;  
praying that the Circuit Town of the said County may not be removed from  
its present site.

Of William Robinson, on behalf of a public meeting of the Inhabitants  
of the Townships of Leeds and Landsdowne; praying for the imposition of  
protective duties on articles imported into this Province from the United  
States.

Of John Connor, late a Gunner and Driver in the Royal Regiment of Artil-  
lery; praying that the amount of Emigrant Tax paid by him at the Port of  
Quebec may be refunded, in consideration of his and his family's previous  
residence of fourteen years in the North American Provinces.

(121)

Of William Evans, and of his sons John E. Evans and William Evans, junior,  
of Côte St. Paul; praying indemnification for loss and damage sustained by  
them by reason of the Lachine Canal, through leakage and otherwise.

Of Henry Jessup, of the City of Toronto, Esquire; praying for the passing  
of an Act to authorize the Court of Queen's Bench to admit him to practise  
as an Attorney therein.

Of Mahlon Willet and others, of the County of Chambly; praying that

the Tariff of Duties may be so regulated as to protect Provincial labour and products.

Of G. T. Havens and others, of the Township of Grantham; praying that sectarianism and all other abuses may be removed from the constitution and administration of King's College.

Of Mrs. Rebecca Sylvester, of Toronto; praying for a pension in consideration of her past services as teacher of the Central School of the City of Toronto.

Of Jacob Papst, of Toronto; representing that a certain lot of land in the Township of Sombra allotted to him as a U. E. Loyalist, has been declared forfeited, and a Patent issued to another person upon the ground of non-performance of settlement duties, and that he had performed the said duties long ago, and praying an enquiry, and relief in the premises.

Of the Municipal Council of the District of Talbot; praying that all doubts be removed as to the liability of wild lands to pay certain taxes imposed by District Councils, and to be sold for arrears of the said taxes.

Of the Municipal Council of the District of Talbot; praying that Courts of Assize may be held in the said District twice in each year as formerly.

Of Robert Layfield and others, of Inverness and other Townships; praying for the completion of the Gosford Road.

Of the Reverend J. E. A. Dupuis and others, of Halifax, Inverness, and other Townships, County of Megantic; praying for the opening of a Road, already traced, between the Churches of Halifax and Arthabaska.

Of the Caput of the University of McGill College; praying that Students at Law who have graduated or attended a regular Collegiate Course, may be admitted to practise after a Clerkship of three years.

Petition of J. Young and others.

Ordered, That the Petition of John Young, and others, of the City of Hamilton, be referred to the Standing Committee on Standing Orders.

Of T. Lottridge and others referred.

Resolved, That the Petition of Thomas Lottridge and others, of the City of Hamilton, and the adjacent Townships, be referred to a Select Committee composed of Sir Allan N. MacNab, Mr. Smith, of Wentworth, Mr. Notman, the Honorable Mr. Robinson, and Mr. Wetenhall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

On motion of Mr. Laurin, seconded by Mr. Guillet,

Winter Roads (L. C.) Bill.

Ordered, That the Order of the day for the second reading of the Bill to repeal the Laws relating to Winter Roads in Lower Canada, be discharged.

Ordered, That the Bill be read a second time, on Tuesday, the thirteenth instant.

On motion of Mr. Meyers, seconded by Mr. Seymour,

Import Duties at Belleville and Trent Port.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before

this House, a Return of the amount of Duties collected at the Port of Belleville, in Upper Canada, on Imports from the United States of America, and a separate Return of the amount levied on Imports discharged at the Port of Trent Port during the year 1848.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Rimouski  
Municipality  
No. 1 Bill.

Ordered, That Mr. Taché have leave to bring in a Bill to remove the seat of the Municipality Number One, of the County of Rimouski, from St. Patrice de la Rivière du Loup to St. Jean Baptiste

de l'Isle Verte.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. CHAUVEAU moved for copies of complaints against Mr. K. McCord, Esq., of Quebec.<sup>1</sup>

MR. AT. GEN. LAFONTAINE had no objections to bring them down.<sup>2</sup>

(121)

On motion of Mr. Chauveau, seconded by Mr. Chabot,

W. K. M'Cord.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a copy of all Complaints made to the Executive touching the conduct of William K. M'Cord, Esquire, Justice of the Peace, Queen's Counsel, and Superintendent of Police at Quebec, and a copy of all Correspondence on that subject; also, a copy of all Complaints touching the incompatibility of the said offices in the person of the said W. K. M'Cord, and of all correspondence on that subject; together with a copy of all Correspondence between the Government and the said W. K. M'Cord relative to his appointments as a Queen's Counsel.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. AT. GEN. BALDWIN<sup>3</sup> moved to introduce a Bill for the Territorial Division of Upper Canada into Districts.<sup>4</sup>

SIR A. MACNAB hoped that as the Bill related to the electoral divisions, he would delay it for some time, to give the Country time to consider the matter. He should like to hear the opinions of his constituents.<sup>5</sup>

MR. AT. GEN. BALDWIN would postpone the proposed reading to Tuesday week.<sup>6</sup>

(121)

County  
Division  
(U. C.) Bill.

Ordered, That the Honorable Mr. Attorney General Baldwin have leave to bring in a Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolution of such Unions as the increase of wealth and population may require.



*He accordingly presented the said Bill to the House.*

MR. AT. GEN. BALDWIN.--By this Bill it was proposed to have instead of the two-fold divisions into Districts and Counties, only one division into Counties to abolish the districts altogether. The schedule--attached to the Bill--of divisions into Counties was copied from the proposed Representation scheme, and it would therefore, of course depend on the assent of the House to that Bill; if the House refused to assent to it, the divisions of the Counties would be the same as at present.<sup>7</sup>

(121)

*and the same was received and read for the first time; and ordered to be read a second time, on Friday next.*

Montreal New  
City Gas Com-  
pany Bill.

*Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.*

MR. PRES. EX. COUN. MERRITT moved to introduce a Bill to increase the capital stock of the Grand River Navigation Company.<sup>8</sup>

SIR A. MACNAB said the House had not the power to alter the charter of a corporation without the consent of the stockholders--they could not take action on the petition of the Directors. He had no objection to that particular Bill, it was to the principle that he objected, as affording a bad precedent. He would like to hear the opinion of Her Majesty's Attorney General West.<sup>9</sup>

MR. AT. GEN. BALDWIN had not given the point any particular consideration, but he thought that they could not alter a charter if objected to by the stock-holders.<sup>10</sup>

MR. SOL. GEN. BLAKE felt a good deal of confidence on the point, that the consent of the Directors was all that was necessary.<sup>11</sup>

MR. H. SHERWOOD (Toronto) had had occasion to look into that matter, and he felt satisfied that the Directors could not. They could do nothing contrary to the act of incorporation. If he were a stockholder of a company of £80,000 the Directors, without his consent, would have no right to increase the stock to £100,000. It might not be necessary to have the consent of all the stockholders, but the proper mode was to duly convene a meeting and the voice of the majority would decide.<sup>12</sup>

The motion was carried.<sup>13</sup>

(121)

Grand River  
Navigation  
Company Bill.

*Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to increase the Capital Stock of the Grand River Navigation Company.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twelfth instant.*

Alexander Morrison.

The Honorable Mr. Sherwood moved, seconded by the Honorable Mr. Badgley, and the Question being put, That the Return to an Address from the Legislative Assembly to His Excellency the Governor General, for Correspondence between Alexander Morrison and the Provincial Government relative to his claim for Land in the District of Niagara, laid before the House on Thursday, the fifteenth of February ultimo, be referred to a Select Committee composed

(122)

of Mr. Malloch, Mr. M'Farland, Mr. Morrison, Mr. Christie, and the mover, to report thereon with all convenient speed; with power to send for persons, papers and records; <sup>14</sup>

MR. H. SHERWOOD.--The whole question turned upon <sup>15</sup> the claim of A. Morrison of the Township of Niagara, praying compensation for losses sustained by him in consequence of his having purchased a patent for a lot of land in the said Township, which afterwards turned out to be worthless in consequence of a previous patent having been issued for the same lot. <sup>16</sup>

MR. COM. CR. LANDS PRICE resisted the reference, and showed that four or five different administrations had already decided against Mr. Morrison's claim. <sup>17</sup>

(122)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Christie, Sir Allan N. MacNab, Malloch, M'Lean, Papineau, Prince, Scott of BYTOWN, Sherwood of TORONTO, Smith of WENTWORTH, and Thompson.--(12.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, DeWitt, Solicitor General Drummond, Dumas, Fergusson, Fournier, Fourquin, Gugy, Guillet, Hall, Hincks, Holmes, Johnson, Attorney General LaFontaine, La-terrière, Laurin, Lyon, Marquis, Merritt, Méthot, Mongenais, Notman, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Viger, and Watts.--(39.)

So it passed in the Negative.

On motion of Mr. Holmes, seconded by Mr. Johnson,

Lachine Rail-  
road Charter  
Extension Bill.

Resolved, That the 66th Rule of this House be suspended, so far as it affects the introduction of a Bill to extend the Charter of the Montreal and Lachine Railroad Company, and for other purposes.

Ordered, That Mr. Holmes have leave to bring in a Bill to extend the Charter of the Montreal and Lachine Railroad Company, to authorize them to continue the said Railroad, and for the incorporation of the Saint Lawrence and Ottawa Grand Junction Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Emigration Bill.

*Mr. Watts reported the Bill to amend the Emigration Act; and the Amendment were read, and agreed to.*

*Ordered, That the Bill, with the Amendments, be engrossed.*

Supply.

*The Order of the day for the House in Committee of Supply, being read;*<sup>18</sup>

MR. INSP. GEN. HINCKS moved the House into Committee of the whole on Supplies.<sup>19</sup>

(122)

*The House accordingly resolved itself into the said Committee.*

*Mr. Smith, of Wentworth, took the Chair of the Committee;*

MR. INSP. GEN. HINCKS said in rising to propose the first resolution, he would beg leave to state that it was proposed to vote certain sums of money to carry on the necessary works on the St. Lawrence Canals, which it was absolutely necessary should be put under contract immediately. During the last session, after he had accepted office, and whilst he had not a seat in that house, he had sent down to the house a statement prepared by him at a time when he had been a very short time in office, and the member for Huron, upon the debate which then took place, showed that he had misconceived the spirit in which that statement was made<sup>20</sup> ((because it)) was supposed to reflect upon the late Inspector General. He believed the hon. gentleman had misconceived the character of his note. ... Now, with reference to questions involving the credit of the Province,<sup>21</sup> he (Mr. H.) always<sup>22</sup> thought it of the greatest consequence that every proceeding should be<sup>23</sup> approached as free as possible from party spirit; now,<sup>24</sup> just about the time, when he wrote the note referred to,<sup>25</sup> about the time that a change of ministry took place, the hon. member for Huron gave a very flourishing statement of the financial condition of the Province. It became his, (Mr. H.'s) duty after accepting office, to show the exact condition of the Revenue, and to remove misconceptions which had been created by the member for Huron. By the annual account submitted for 1847, the hon. member showed that there was a surplus of about £50,000, and that there was also a balance of nearly £100,000 at the credit of the Consolidated Revenue<sup>26</sup>. He never intended to impugn the correctness of these accounts but<sup>27</sup> this statement appearing as it did, was calculated to give erroneous views of the true state of the finances of the Province<sup>28</sup>. The true question was, whether there were really £100,000 at the credit of the Consolidated Fund which could be depended upon?<sup>29</sup> and he (Mr. H.) felt it to be his duty to show that there was certain charges against the Consolidated Fund, which would not only absorb those sums, but that there were also charges against it which would leave the Consolidated Fund in debt about £50,000.--He (Mr. H.) had detailed those charges in the statement which he made; he first said that there was a charge of £35,000 against the Consolidated Fund, being for sums that were appropriated in 1845-6-7 for public works, but not paid, the truth of this statement could not be denied; during the last year, of that sum of £35,000, the government had been compelled to pay no less than 13,225, leaving a balance of 21,785 still chargeable against the Consolidated Fund. He had said<sup>30</sup> in his note last session that £23,000 had been expended by the authority of the Council, and without authority of Parliament.<sup>31</sup> The member for Huron seemed to think that his doing so, was an imputation against the late administration but he (Mr. H.) did not intend



that it should be considered as such, he merely wished to show that<sup>32</sup> the Government would have to ask Parliament for an appropriation to cover it, and that it must be taken as a charge against the Consolidated Fund, and in diminution of the sum apparently at its credit.<sup>33</sup> There was in 1847 an expenditure of 20,000 for Quarantine and Emigration purposes, which he states he thought the Province would be called upon to pay; it was true that at the time the vote was proposed, the gentlemen in the government said that they had every reason to believe that it would be repaid by the Home Government;<sup>34</sup> and he believed that they never could have fancied so large a sum as £150,000 or £170,000 would be required for that purpose.--<sup>35</sup> All he could say was, that the Imperial Government had never held out that it was prepared to pay the expenditure of that year, on the contrary the whole despatches showed that they were expected to pay some part of the expense, and therefore there was every reason to expect that they would be called upon to pay that sum. There was a sum of 63,000 which had been expended over and above the appropriation which the Province claimed, and he thought if they got paid that sum they had done well; the £20,000 was paid after some negotiation, but on condition that as large an amount should be expended by them in opening up communication through the country, in parts where it was intended to give free grants to emigrants.<sup>36</sup>

MR. CAYLEY asked if any of it had been expended for that purpose.<sup>37</sup>

MR. INSP. GEN. HINCKS.--Yes, about £700 had been expended. He now came to the balance of £22,000 due to the Imperial government, and which had been repeatedly asked for by the Commissariat department; it appeared upon investigation that the amount due was no less than £47,000, £25,000 more than was estimated.<sup>38</sup>

MR. CAYLEY would like to know how much of that amount had been paid.<sup>39</sup>

MR. INSP. GEN. HINCKS said, it was unpaid; but there was a sum of nearly the same amount due by the Imperial government for emigration expenses, and they had placed the one sum against the other, there was a certain balance due which had not been paid, because the Imperial government had not finally settled the emigration accounts, and a final settlement could not take place until the balance had been established. Then there was the appropriation for the common schools, chiefly for Lower Canada; this was an amount which was still a charge against the Consolidated Fund, this money had not been called for because he had interfered to prevent its being called for, but still there was always some part of it being granted; during the last year £12,000 had been paid towards old balances. He had gone into this statement because he was anxious to show that the former statement which he made was correct. He did not desire to make any imputation against the former administration, but he was bound to show the exact position of the financial affairs of the Province, he had shown that instead of their having £100,000 at the credit of the Consolidated Fund, that there was charges against it for as large an amount, and it was in debt not only to the amount of £50,000 as he had stated but to nearly £70,000. This being the state of affairs, was it to be supposed that the financial affairs of the Province were in a very flourishing state; he had no desire to make any attack upon the late ministry, but must say<sup>40</sup> he believed a great part of the difficulty of the Province arose from the practice of making large appropriations for the

public works, out of the current revenue of the Province, at a time when it was certain that revenue could not bear it?<sup>41</sup> For the Welland canal, in 1845 there was no less than £82,000 expended, all of which was voted out of the current revenue, there was also, very large appropriations made for other public works; indeed between the years 1844-'47, no less a sum than £412,000 had been expended on them out of the current revenue.<sup>42</sup> Now, the effect of this was, not only to overcharge the current revenue, but it withdrew those sums from the public accounts.<sup>43</sup> All those appropriations appeared in the public accounts, but, they appeared as a charge against the public revenue, they were set down in the estimates as a part of the annual expense, and paid out of the current revenue<sup>44</sup> instead of being carried to the account of the works, and exhibited there as part of the property of the country.--<sup>45</sup> He thought it would have been better if they had been provided for by loan, then they would have as much expended on the public works of the country; and, even if it was impossible to raise money by loan, it would have been better to have taken the current money and to have invested it in their debentures, and when they would have helped to raise their credit, and, probably, enabled them to raise it by loans. Since the Union of the Provinces, no less than £500,000 that was to say, a considerable amount of their whole debt had been spent out of the revenue, that was to say, that the revenues had exceeded the expenditure by that amount, which had been expended on the public works. If they had such a statement, their credit would have been much better than it could have been under this present state of things. It would be his duty to establish a better mode of keeping the public accounts. He had made these remarks to justify the statement which he had made, and he now wished to make a general statement of the Financial condition of the Province. Owing to the impossibility of borrowing, there had been some embarrassment, but notwithstanding the difficulties of the Province during the last year, he could confidently say there was nothing in them to cause any person to feel that they were in a bad state, there was no reason for distrust or doubt; the fact was, they were engaged in the completion of some very great works which it was important should not be delayed, and, they had been compelled to raise very large sums of money for that purpose. The member for Simcoe appeared to think that he was aggrieved by his (Mr. H.'s) former statement, but he would assure him he did not intend to cast any blame upon him. He (Mr. H.) was just as anxious as any one could be to see the Welland Canal completed, if he imputed any blame to the late Ministry, it was not for their anxiety to get that work completed, it was simply because that when they had no money they put expensive works under contract, and thereby, placed the Province in an embarrassed condition and he (Mr. H.) defied them to show that their embarrassment was caused by any other thing than this; however, the fact was that up to that moment, at least until the 31st of January, there had been expended in the public works beyond the amount of the loans obtained for that purpose, a very large amount; he was not referring to the amount paid out of the current revenue, but to that raised by loans--the amount paid beyond the loans was £150,000. Now how was it possible that this should not cause embarrassment; all the works were placed under contract and it was highly desirable that they should be completed. What were they to do? were they stop the contracts? it was impossible to do so. They had been blamed for issuing Debentures, but what else could they do.<sup>46</sup>

MR. H. SHERWOOD.--Call Parliament.<sup>47</sup>

MR. INSP. GEN. HINCKS.--There was no necessity for doing so, for they had acted under an Act of Parliament; and even if they had called Parliament together, it would have been the only course which the Parliament could have authorized them to pursue. They had been obliged to make up that £150,000 without being able to sell a single debenture. If this call had come during any ordinary year, or at a time when the banks might have been able to extend to them any assistance; if the revenue had been as large as usual, it would have been possible for them to have got on without doing so; but at this time during the year, the revenue was deficient not less than about £125,000. It was that amount less than during the two preceding years. The customs alone was about £60,000 deficient. The Bank Tax and the Territorial Revenue, were also deficient. It was at this time that they had to contend with all those things, that all their difficulties arose. In addition to the charges he had just mentioned, there was no less than £74,000, which the consolidated fund appeared to be liable for, which, added to the sum of £170,000, appropriated for public works<sup>48</sup> but for which no appropriation had been made<sup>49</sup> made together a sum of about £240,000, which they had to meet. Now, could they have contrived to meet this sum by any other means than the debentures which they have issued; and which have fully answered all the expectations which he ever had of them? They had not been deprecated to anything like the extent which he had expected they would have been. For some months the discount on them was a mere nominal one.<sup>50</sup>

MR. H. SHERWOOD.--Five per cent.<sup>51</sup>

MR. INSP. GEN. HINCKS.--One to one-and-a-half per cent, would be nearer the mark.<sup>52</sup>

MR. H. SHERWOOD.--I speak of the discount they went for in the City of Toronto.<sup>53</sup>

MR. INSP. GEN. HINCKS had information which he could depend on, that they never could be got for at any thing like that discount there that the discount was only from two to two and a half per cent. They had, besides what assistance they derived from the debentures, a considerable amount of special funds in their hands, which were placed there for the purpose of being invested in Provincial securities. They have also been obliged to obtain loans in England to a certain extent. Glyn, Halifax & Mills, and also the Messrs. Baring, had given them some accommodation.<sup>54</sup> Messrs. Barings paid the last dividends, and he was happy to say they had funds in hand to pay themselves off.<sup>55</sup> They had also been obliged to get loans from the Banks to the extent of about £23,000, and so they had been able to get on so far, and he thought they would be able to get on in future, because he thought they would be able to sell a considerable amount of their debentures on fair terms. Since the Union to that moment, it would appear that there has been a very large sum saved which had been expended in public works; he had just mentioned that they had expended to the amount of £412,000 on them. There was also a sum of £50,000 which was invested in the Bank of England as a sinking fund, and there was also another sum of about £50,000 making together 500,000, which might be considered as so much capital created to the country. The government, in addition to its other difficulties had been obliged to redeem Chambly Canal Debentures to the extent of £15,000. The hon. member for Toronto has spoken about their debentures not being at par; he (Mr. H.) had



no desire to avail himself of any species of clap trap to obtain credit, but every person of common sense must know that at the present moment money was plentier than it was some time ago, but still they had been unable to sell any of their debentures; it was not altogether owing to the state of the money market that they had been unable to do so, but because there was a distrust of Canadian securities, owing to the conduct of political parties, in their endeavours to destroy their opponents. Both parties might be blamed, but he would like to know if his party<sup>56</sup> while out of power,<sup>57</sup> had endeavoured to ruin the credit of the Province; he would like to know if they ever, since Responsible Government had been introduced, and since they had had their remedy at the hustings, had ever attempted to do so. He made this statement now, because at that moment it was of the utmost importance that the credit of the Province should be mentioned; and what was the tone of the press-- what was the tone of the papers which would be conveyed to England by that day's mail. Everything had been done to show that the country was in the state of distraction. It was unjust, unpatriotic, because a party had been defeated, that they should attempt to destroy the credit of the Province. If the ministers had committed a political sin, they would suffer for it at the hustings, but it was most unjust, most unpatriotic, for any party, because it was defeated, to endeavour to destroy the credit of the Province.<sup>58</sup>

SIR A. MACNAB would like to know how they had endeavoured to injure the credit of the Province.<sup>59</sup>

MR. INSP. GEN. HINCKS said, the papers which supported the cause of the hon. member opposite contained articles which had that tendency, and it was well known that articles of that kind copied in the London newspapers, produced a most detrimental effect. Before the Government issued Debentures, it tried every means to obtain money, without success; and he thought this would be a proper moment for him to read a letter, because a portion of it had already been published by the English House of Commons, although it was, certainly, a letter which he never intended should have been published. It was a letter sent by him to Messrs. Barrington (sic) & Brothers, in December last, after hearing from them, in answer to his pressing application for a loan. The hon. gentleman then read the following letter:

INSPECTOR GENERAL'S OFFICE,  
Montreal, 20th Dec., 1848.

GENTLEMEN,--I am this day favoured with your letter of the 1st instant, in which you inform me that you will provide for the January dividends in the Canada Bonds, payable at your Office on the assurance of your being paid the advance before 1st April next. I can assure you that the Canadian Government feel deeply indebted for this fresh proof of your anxiety to sustain the credit of the Province. I have by this mail instructed Messrs. Glyn, Halifax, Mills & Co., to transfer you £30,000 of the Canada Debentures, which were placed in their hands last year for sale. A portion of these Debentures bear 6 per cent interest, and I should hope that the quotation of prices given by you refers to the 5 per cent. I feel very strongly that these Debentures ought not to be sold under par, and that it would be more advantageous in every way, for this Government, to pay whatever rate of interest may be required to command money than increase the debt by making loans under par. Although, therefore, I have directed that a portion of our

Debentures should be placed in your hands, I rely that unless it be unavoidable you will not sell the 6 per cents under par, and that you will advise me whether par can be obtained for debentures bearing a higher rate of interest, with a provision enabling the Canadian Government to pay them off by giving reasonable notice.

I think the present a favorable opportunity of communicating to you the views of this Government on the subject of our fiscal affairs generally. I gather from your letter that the Canadian Government declined in 1837 to constitute your House the sole agents for the Province, and that since that time you have considered Messrs. Glyn & Co. to hold the position. It would, of course, be unprofitable to enter at present into any discussion with regard to the conduct of the Government of Upper Canada at the time referred to, but I have to repeat what my own conviction has been, since I have taken part in public affairs, which has been since the union of the Provinces, that your house and that of Messrs. Glyn & Co. occupied precisely the same relative position towards this Government, and I therefore conceive that at a time of temporary embarrassment, we were justified in making a similar application to both houses. Your letter has confirmed me in an opinion formed very soon after my acceptance of office at the beginning of the present year, which is, that it is indispensably necessary that the Province of Canada should receive without loss of time, the services of an eminent house in London, which should be its sole agent, and at whose office all its dividends should be payable. For such services the Province of Canada is able and willing to pay, and they must be secured without loss of time. Before asking from you any proposition on the subject, it is necessary that I should notice some remarks in your letter now before me.

You state that the bonds of Canada are looked upon "much in the same light as the bonds of separate states in the United States of America"--that the stock of the Federal Government of the United States is certainly more valued, and finds more readily, purchasers on both sides of the Atlantic"--and after stating that credit "is only permanently maintained by the public knowledge of ample powers and constant regularity in meeting all money engagements." You add "the debt of a Colony always labours under some advantage in this respect." I desire to offer a few remarks on these passages in your letter.

When your house negotiated a loan for Upper Canada some years ago at 5 per cent, that Province was in a position precisely analogous to one of the separate States of the Union. It had no means of collecting a Revenue from Customs, the Ports of entry being in Lower Canada, and in the event of the works, for the construction of which the loan was raised, proving unproductive, there were no means of paying the dividends unless by a resort to direct taxation a measure not easily resorted to, and which at all events would have involved delay. The Province of Canada occupies a widely different position. Her means of paying the interest of her debt are most ample, and are quite irrespective of the Revenue from the works. The interest on the public debt is about £170,000 sterling, while the revenue is more than double that amount. The grants for Educational and Charitable Institutions alone are nearly £80,000 currency per annum. Canada then has "ample powers" of meeting her engagements, in fact, precisely the same powers as the Federal Government of the United States. Both raise by duties on imports the revenue which they require, and if Canada wanted more there would be no difficulty in increasing

the duties on imports generally, which are now, say 20 per cent lower than the American average. But I admit that besides the power there must be the will to pay the engagements of a Government. Has our Legislature evinced any reluctance to meet its engagements when your house was formerly under the necessity of advancing money to meet the dividends and of selling our Bonds at a discount to reimburse yourselves. Upper Canada was in the position I have already adverted to, and was unable to raise a revenue by Customs. One of the avowed objects of Lord Sydenham in recommending the union, was to enable the Province to meet its liabilities; one of the first Acts of the united Parliament, was to double the duties on imports. Since that time they have been further raised, and our proposed new tariff will ensure a still further increase in revenue. Here then, is evidence of the will to meet our engagements, and to which I may state, and I do with pride and satisfaction, that amid all our political disputes, which occasionally run high, as they sometimes do in England, the members of our Legislature of all parties, have vied with one another in affirming the necessity of maintaining the public credit at all hazards. The power and the will to meet our engagements, exist, and since the union, you must admit that our regularity in meeting all money engagements, cannot be complained of. The unbounded credit of the British Government, arises from the determination always evinced by Parliament, to meet its engagements. The people of Canada are British subjects as well as the people of England. They have the same power and the same will to meet their engagements, and if they are ever in difficulty, it arises from the fact that British capitalists do not choose to place the same confidence in their honour that they do in that of the people of the United States, whose Bonds are saleable without difficulty, although after pursuing these remarks, I confidently anticipate that you will admit that our means of meeting engagements are equally good with theirs. The fact is, that our bonds are not recommended as an investment, while those of the United States are--indeed, I have felt mortified to find that the price of Canada bonds is never quoted in the list of stocks--although those of each of the United States, as well as of all other foreign Governments, are kept constantly before the public. I must now state very briefly the cause of our present difficulties. Within the last three or four years there has been a large surplus of revenue over expenditure of £400,000 which, instead of being applied to the redemption of our debts, has been invested in new works, in the excess of which, as a source of immense revenue, we have every confidence--every effort and sacrifice must be made to complete these works. Since the creation of our sinking fund, we have saved from actual surplus of revenue half a million currency, or one-eighth of our whole debt; but until our great line of ship canals, unsurpassed probably by any works of the kind in the world, are quite completed, we shall be hampered, unless we can go into the money market like other Governments, and obtain loans. But, in addition to the cause of embarrassment I have referred to, we have had this year a very deficient revenue, our imports being not more than two-thirds of the average. In England, deficiencies of revenue often occur, and would be just as embarrassing as ours are, but for the facility of raising money by an issue of Exchequer bills. I have stated the causes of our embarrassment, and I trust I have shown you, that although not the slightest ground exists for uneasiness, although our revenue is most ample to provide for all our wants, and for the extinction of our debt at no distant period, we are suffering severally from that want of credit in England which you have



described. Our want is now, and has been all along, an active agent of high standing, able to maintain our securities in that credit to which they are entitled--a divided agency is not worth the attention of either your house or Messrs. Glyn's. Perhaps you would consider it equally unworthy of your attention if undivided; but one thing is to my mind clear, and I shall repeat it. The Canadian Government must obtain the services of an eminent house in London, and for these services it is able and willing to pay. I would state, in conclusion, that as I do not believe any house to be so likely to advance our interests as yours, I should be glad to be favoured with your views on the subject as early as possible. I have no doubt that our mutual friend, Mr. Dunn, to whom I shall write by this mail, will be able to give you any further information you may require. With regard to Messrs. Glyn & co., whose services to the Canada Government it will always be ready to acknowledge, I need now only say that the opinion as to the expediency of having but one agent arises from no dissatisfaction with them, but from a conviction that a small account is not worth dividing, and that our interest will be promoted by such an arrangement as the one proposed.

I have the honour to be,

Gentlemen,

Your most obedient

Humble servant,

F. Hincks,

Inspector General,

Messrs. Baring, Brothers & Co.,

Bankers, London.<sup>60</sup>

As the name of Mr. Dunn had been mentioned, he would take the opportunity of stating that he believed that the great sale of<sup>61</sup> the £20,000<sup>62</sup> Canadian Debentures which he had the pleasure of announcing the other evening, had been solely owing to Mr. Dunn's exertions. (Hear, hear.)<sup>63</sup> That gentleman had himself bought £6000 worth of the Debentures, and the next day the remainder of them had all been taken up, and he (Mr. H.) had no doubt from the exertions of Mr. Dunn, that they would hear by next packet of the sale of more of their Debentures. He (Mr. H.) believed that the effect of his correspondence with the Messrs. Baring would have a very beneficial effect, he believed<sup>64</sup> from information he had received, that Messrs. Glyn, Halifax & Co., who had generally attended to our fiscal affairs,<sup>65</sup> were very largely engaged in railroad speculations, and<sup>66</sup> thought he had no doubt that they had the best intentions towards the Province, and entertained the most friendly feelings towards us, yet still he thought they had not taken that trouble to negotiate (sic) our Debentures and advance our interests as they might have done<sup>67</sup>. He believed that the result of the correspondence would be that Baring & Brothers will take a very warm interest in the sale of their Debentures, and they had advantages for disposing of them which Glyn, Halifax & Mills did not possess. He (Mr. H.) had availed himself of the first opportunity, which he had had to go on to a sort of general statement of the affairs of the Province, and he would now move to the resolution<sup>68</sup> leaving it to his hon. friend the President of the Council to enter more into details, and give any explanation that might be required concerning the vote asked for.<sup>69</sup>

MR. CAYLEY said that it was difficult to follow the hon. Inspector-General in his details of expenditure, without the aid of the Public Accounts, which

had not yet been brought down. He, therefore, would not occupy the time of the Committee beyond a few minutes, in reply to the charges brought by the hon. Inspector-General against that side of the house, of having damaged the credit of the country, in their attempt to damage the Ministers. He denied, most emphatically, in the name of his hon. friends around him and for himself, any such attempt, any such desire; they knew too well what was due to the country, and desired too sincerely to guard the interests of the country, than to adopt any such unworthy mode of damaging their opponents. If the charge could be sustained at all, he feared the Press, which usually supported the hon. gentlemen opposite, and with which the hon. Inspector-General had once been connected, was more obnoxious to the imputation, than hon. gentlemen on his side of the house. He would read a few extracts from the Pilot newspapers of 1846, in proof of what he said. (Mr. Cayley here read some passages commenting very severely on the supposed failure of his mission to England in 1846 to obtain aid to proceed with the Public works.) Mr. Cayley went on to say, the object of his mission to England was to obtain first the sanction of the Imperial Government to raise the balance of the guaranteed loan of a million and a half, amounting to £170,000 currency, on the credit of the Home Government. That point, after considerable hesitation on the part of the chancellor of the Exchequer, was acceded to; the next point was to obtain the consent of the Home Government to the suspension of payment to the Sinking Fund for the years 1845, '46, '47, and '48--that had also been granted, the annual payment due to the Sinking Fund was about £70,000 currency, making, for the four years, the sum of £280,000, which, added to the balance of the guaranteed loan, made a total of £450,000, which might be considered in the light of so much additional capital, available for the Public Works. He had also made arrangements with the Bank of England for prompt advances, and also with Messrs. Glyn, Halifax & Co., for advances on the deposit of debentures. The latter credit had been used to a very limited extent; he would leave hon. members to judge whether his mission to England had or had not been a failure. He would further remark, that they, the former Administration, made no attempt at that time to offer debentures in the English market, bearing a higher rate of interest than 5 per cent, from an unwillingness to depreciate the debentures already in circulation. He had also to state, that that was the period of the commencement of the monetary pressure in England, when the interest of money, instead of ranging at present from 3 to 4 per cent, ran from 5 to 8 and 10 per cent, in some instances as high as 13 per cent. It was also well known that, in consequence of the great demand for money to fulfill Railway engagements the rate of interest of Railway bonds continued for many months at 5 per cent., and consequently rendered the negotiation of 5 per cent, Canadian debentures out of the question. The Pilot stated that the operation he (Mr. Cayley) has entered into at that time, exposed the Province to the risk of paying an usurious rate of interest for the use of money; what had they heard read to-night by the time the hon. Inspector-General, from his correspondence with Messrs. Baring Brothers?--Why, that they, the Ministry, had offered to issue debentures, bearing a rate of interest higher even than 6 per cent.--<sup>70</sup>

Interrupted by the hon. MR. INSP. GEN. HINCKS--that was to pay interest of loans--a sacred obligation.<sup>71</sup>

MR. CAYLEY ((resumed:)) Certainly they were bound to pay the interest of loans, but all parties were agreed that the revenues of the Province were large, far more than sufficient for the usual demands of the Public service--

and if they had expended the surplus on public works, instead of applying it to the payment of interest, there was practically no difference in the object for which the money was required. He would now turn to the message sent down by the Governor General, the last Session of Parliament, to which the hon. Inspector-General had referred. In that message it had been stated that the sum of £150,000 would be required, for certain purposes. He (Mr. Cayley) at the time, had expressed his doubts whether so large a sum would be required for the particular services stated. What was the fact, as now shewn by the hon. Inspector-General? Why, that not more than £70,000 of the £150,000 had been required, for example, of the sum of £35,000 called for certain public works, only £13,300 had been required, of the sum of £20,000, alleged to be due to the Home Government, on account of emigration advances, the whole claim had been waived, of the sum of £50,000 said to be required for common school monies in Lower Canada, only £12,000 had been called for. He had at the time, condemned the course pursued by the hon. Inspector-General, of making the wants of the province appear as large as possible as the very course of all others, the most calculated to increase the difficulty of raising means. The Inspector-General, in the document to the house last Session had stated that of the amount of £408,651 raised by the late Government, and expended on the works, no portion had been raised partly by investments of special funds in Provincial debentures, and partly from the balance of the guaranteed loan. He (the Inspector-General) had further given it as his opinion that there was no probability that the Provincial debentures which the Government were then authorized to sell, could be disposed of at par, and having promised so much, he concluded by submitting that it was necessary, in order to maintain the public credit, that authority should be given to the Government to issue debentures to the extent of £125,000 beyond the amount authorised by Parliament, leaving the public to draw the inference that it was the hon. Inspector-General's opinion that the more he flooded the market with debentures the more marketable they would become. He (Mr. C.) would postpone what further he had to say on the subject until the Public Accounts had been laid on the table. He was not prepared to condemn, without hearing the hon. Inspector-General's explanation--the issue of small debentures payable for Custom's dues--but he was prepared to say this, that nothing but the greatest necessity could warrant the proceedings; it was at all times a hazardous one, and one little calculated to sustain the credit of the Province. The Honorable Inspector-General had twice referred to the items contained in the document sent down by the Governor General and to the difficulty there was of ascertaining beforehand whether the several amounts therein asked for would or would not be immediately required. He (Mr. Cayley) would give the particulars of some of those charges, which would sufficiently explain the ground on which he had formed his opinion, that the whole amounts would not be required in 1848, which opinion had been borne out by the result. The first sum was for £20,000, towards the expenses of emigration in 1847; of this demand, he had expressed his conviction that the British Government would not persist in pressing the payment; the house had been informed that night by the hon. Inspector-General, that the claim had been abandoned. The next sum was an amount claimed by the Commissariat of £22,000, and composed of the following items:--Drawback dues on Commissariat supplies, £8,500; secondly a balance of £4,500, advanced by the Imperial Government in 1837; and the third of £10,000 for Indian Annuities,--



these annuities had begun to accrue from the time of the Union, at the rate of £6,655 a year, but no payment had ever been made by the Provincial Government, up to the time when the late Administration took office in 1844; in 1845, the sum of £19,947 had been paid, and subsequently, up to the time of resigning office, the sum of £6,665 annually, the balance then referred to consequently should rather be considered as belonging to the years 1842 and 1843, which the Administration of 1843 should have provided for, but which they made no effort whatever to pay. Again, with regard to the balance due on the advances made by the Imperial Government in 1837, that might well have been paid by the Administration in 1843; the debt existed at that time, and to a larger amount, and the circumstances connected with it must have been at least as strongly impressed upon the minds of hon. gentlemen opposite as in 1848 as well as the propriety of paying it; if, on the other hand, the obligation was not considered pressing in 1843, there could have been no great necessity for crowding it on the overloaded year 1848; so again, with the arrears of school monies, for which the sum of £50,000 had been demanded. Had there really existed any well founded apprehension that the whole of that sum would be required in 1848? Of what was it composed?--He would inform the house--of arrears not drawn in--

1842	about.....	£21,000
1843	do.....	13,000
1844	do.....	3,500
1845	do.....	16,500
		<u>£54,000</u>

He (Mr. Cayley) had estimated the amount that would be required in 1848 at £10,000. The amount actually paid out was stated by the Hon. Inspector-General to be £12,000. He would leave the House to judge which estimate had made the nearest approach to the fact. He (Mr. Cayley) had good reason to complain that the Hon. Inspector-General had blown hot and cold in bringing his charges against the late Administration for the heavy expenditure incurred on the Public Works as when in their defence they had clearly shewn that the large excess had been incurred in carrying on the Welland canal, an excess exceeding £300,000, they had been immediately met by an intimation, a species of threat, from the Hon. Inspector-General, that if they ventured to abandon that work, they would have rendered themselves liable to the charge of neglecting the most important interests, in a commercial point of view of the Colony. The hon. member then proceeded to read extracts from Mr. Killaly's Report of 1846, to shew that even at that late period when the work was considered as nearly finished, the estimates, which had already exceeded the original appropriation by nearly £200,000, fell short of the amount actually required to complete it, by upwards of £125,000.<sup>72</sup>

MR. ROBINSON made some remarks in answer to the Inspector General. He (Mr. H.) had done every thing in his power, while he was connected with the Board of Works, he had been unceasing in his endeavours to get them completed; and he had repeatedly called the attention of the Government to the necessity of having them finished and of their granting funds for that purpose; and when he obtained money he lost no time in expending it in the way he deemed most advantageous to the Country. The hon. member then proceeded to make some remarks relative to the removal of Mr. Killaly from office, but from the tone of voice in which the hon. member spoke we could not hear all he

said; he, however, appeared to be justifying the removal of Mr. Killaly; he denied that Mr. Killaly had been removed to make room for Mr. Gzowski.<sup>73</sup>

MR. INSP. GEN. HINCKS said he never intended to make any charge whatever against the hon. member for Simcoe, but that hon. member had completely proved what he (Mr. H.) asserted. He stated that he was constantly pressing upon the Government the necessity of proceeding with the public works, and asking for appropriations at a time when there was no money to pay for the contracts. The hon. gentleman says that he might have saved himself from such blame while in office if he had not done so much as he did, but he (Mr. H.) thought that he saved himself from a great deal of blame by the course he pursued. Members from all parts of the country were always asking for improvements to be made in their respective parts of the country, and the Government always was abused for not granting the means to carry out the improvements asked. He (Mr. H.) had never intended to make any charge against the hon. gentleman opposite, he had only spoken with a view of defending his own. It was true that he had written the articles in the Pilot quoted by the hon. member for Huron. It would be remembered that immediately after the arrival of the hon. member from England, a great flourish of trumpets was made in the then ministerial organ about some great feat which the hon. member had done; he (Mr. H.) did not see any thing very great that he had done, and said so accordingly; the hon. member, after some remarks on Mr. Cayley's proceedings in England, proceeded to answer to the remarks of Mr. Cayley, as to his asking for money which he did not require, as to his having asked £35,000 for public works, while only £13,000 required, was because that they had put a stop to every work which they should not possibly do. The same remarks would apply to the £20,000 for Emigration; it was impossible for them to know that only £7000 would be required; and with regard to the Common School money for Lower Canada, it was not paid only because he had done all in his power to prevent its being called for. But those things did not break down the fact, that those charges remained against the consolidated fund. But the difficulties which now existed were not in consequence of them, or of the deficiency in the revenue, but was owing to the large amount drawn to go on with the public works. The hon. member spoke about the Welland Canal, and said that they were not to be charged with the excess in the expenditure on it above the contracts; but did not the hon. gentleman know that excess would take place? The hon. gentlemen opposite proposed numerous grants for entirely new works, in 1845-6, for which not one shilling had been appropriated. The hon. member then went on to make some remarks on the alterations made in the leveling of the Canal and enlarging the size of the Locks, which he defended--and concluded by some remarks on the dismissal of Mr. Killaly.<sup>74</sup>

MR. CAYLEY made some remarks in answer to the Inspector-General, as to why he did not think the hon. Inspector-General had any reason to think the monies were arrears of former years, which had not been called for, for some years, and it was not, therefore, likely to be called for that year; and the £22,000 due to the Commissariat was composed of Commissariat supplies, £8000 of some of £4000 due by Lower Canada in 1837, and £10,000 of arrears of Indian Annuities--the last was an accumulation of arrears from 1841--and there was no ground for supposing that they would be compelled to pay them at that particular period. The hon. member then proceeded to answer the remarks of the Inspector-General, relative to the expenditure on the Welland Canal, and to attribute the excess of the expenditure entirely, to the incorrect

estimates of the engineers; almost every one of Mr. Killaly's estimates had proved erroneous.<sup>75</sup>

MR. THOMPSON said, that the only question before them was the appropriation of a sum of money to complete some works on the St. Lawrence Canal, but one would think from the debate that the late ministry were upon their trial; he trusted that the members would not waste the time of the house any longer about things which had nothing to do with the question. It was said that the Canals must be finished, and it appeared to him that the money must be granted. He hoped the question would be at once put<sup>76</sup>.

Cries of there is no question before the chair<sup>77</sup>.

MR. THOMPSON ((continued:)) Then what the mischief were they speaking about then--they had spent £150 talking about nothing.<sup>78</sup>

((There was)) a long discussion, in which Messrs. CAMERON, BOULTON, PRINCE and MERRITT took part, about the capability of Mr. Killaly and his dismissal from office, and also about the expenditure and alternations on the Welland Canal, and the constitution of the Board of Works<sup>79</sup>.

The resolution was carried.<sup>80</sup>

The other resolutions, all of which were founded on the message of His Excellency of the 26th of February, recommending the appropriation of £29,112 17s. 10d. immediately required for to carry out the works on the St. Lawrence Canal, were then put and carried.<sup>81</sup>

(122)

*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Smith of Wentworth, reported, That the Committee had come to a Resolution.*

*Ordered, That the Report be received on Monday next.*

*Mr. Smith, of Wentworth, also acquainted the House, That he was directed to move, That the Committee may have leave to sit again.*

*Resolved, That this House will, upon Friday next, again resolve itself into the said Committee.*

*Reciprocity  
Bill.*

*The Order of the day for the second reading of the Bill to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States, being read;*<sup>82</sup>

MR. PRES. EX. COUN. MERRITT moved that the reciprocity bill be read a second time.<sup>83</sup>

MR. H. SMITH (Frontenac) wished to know what had been done in Congress in the United States on the subject, as if they had done nothing on their part, he thought it was useless to take up the time in the House discussing the subject.<sup>84</sup>

MR. EX. PRES. COUN. MERRITT replied that he was not aware that any steps



had been taken in the matter by Congress; but whether they did anything in the matter or not, he thought it right for them to proceed with their bill, and if they did not meet their wishes, the bill would lie in abeyance.<sup>85</sup>

The motion was then agreed to.<sup>86</sup>

(122)

*The Bill was accordingly read a second time.*

*The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Attorney General LaFontaine, and the Question being put, That the Bill be engrossed; The House divided: And it was resolved in the affirmative.*

Indemnification  
Bill (L. C.)

*The Order of the day for the second reading of the Bill to provide for the Indemnification of parties in Lower Canada whose property was destroyed during the*

*Rebellion in 1837 and 1838, being read;*

*The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Bill be now read a second time;*<sup>87</sup>

SIR A. MACNAB appealed to the Speaker to decide whether this bill had not been irregularly introduced. It was one of the rules of the House that no money bills could be advanced more than one stage in the same day. In this case the bill was introduced on the same day the resolution passed the committee. He understood that there were precedents for this course in the Provincial Parliament; but if so it was clearly wrong, and the bad precedent should be set right.<sup>88</sup> He was prepared with a precedent of the House of Commons exactly in point, where the Speaker had decided that it was irregular to introduce a Bill on the day the report of the Committee had been received. He was prepared to move an amendment to have it placed on the Journals of the House. Before doing so, he would wait for the opinion of the Attorney General.<sup>89</sup>

MR. AT. GEN. LAFONTAINE would cite two cases. The hon. and gallant Knight was Chairman of the Committee of the whole of Upper Canada, when the resolutions were passed voting £40,000 for the payment of Upper Canada Rebellion losses, and a Bill introduced the same day. In 1840 a similar case occurred.<sup>90</sup>

SIR A. MACNAB did not consider that a case in point. It might have been that those Bills were introduced with the consent of the House and he believed that they were to amend other acts. The notice of the House had been called to this fact, and if any thing were wrong on that occasion, it was no reason why they should do wrong now. He would take the opinion of the Speaker.<sup>91</sup>

MR. MORIN the SPEAKER said there was no doubt of the English rule; but the precedents in the Provincial Assembly were decidedly in favour of the course now taken.<sup>92</sup>

SIR A. MACNAB then proceeded to move a resolution by way of protest against proceeding with the bill thus irregularly introduced.<sup>93</sup>

(122)

*Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Cayley, That all the words after "Bill" be left out, and the words "having been introduced informally, and contrary to the rules, usages,*

*and practice of Parliament with respect to money grants, which rules have been devised for the greater security of the People, to the end "That when money is to be raised on the Subject, the proposition should have the fullest and most frequent discussion," be read a second time this day six months," added instead thereof.*

COL. PRINCE would vote for the amendment of his hon. and gallant friend from Hamilton, and he would vote for it because that Bill was one of those which required delay. He had in view the petition of the 6,000 loyal inhabitants of Montreal and he believed that they had a right to a different answer to that which they had received from the Governor. They might not talk to him about paltry letters they shew from their pockets one by one. He called on them to look at the voice of the country--he called on them to look at the Conservative press of the country,--the whole press of the country, even the Radical press. It might not be in his (Col. P.'s) power to make the Government alter their course, but nothing on earth would prevent him from raising his voice against it. He repeated what he had said before, that it was a most nefarious, unjust and iniquitous scheme for which they could find no parallel. They had heard of meetings, and had received petitions from all parts of Upper Canada, which they knew to be the voice of the whole country. It was a voice Lord Elgin must listen to,--though backed as he was by his Council of ten.<sup>94</sup>

MR. MORIN the SPEAKER said, say the Governor General.<sup>95</sup>

COL. PRINCE.--He would say the Governor General--God knows, that he meant no offence to him--but he was a plain spoken man. To obtain delay to let the voice of the country be heard from one end to the other, the House should support the amendment; and which voice, whatever might be said to the contrary, he believed that the Governor and the Government would be bound to listen to. God forbid that there should in that House be another debate, and God forbid they should ever again have such an iniquitous measure brought before them.<sup>96</sup> He rated Mr. LaFontaine for always addressing the House in "that confounded French language; "and referring to the nickname of "the lily of the valley," applied to Mr. Ex-Secretary Daly, compared the Attorney-General to the "dandelion of the valley."<sup>97</sup>

SIR A. MACNAB would not take up much of the time of the House. He did not think that any precedents could be found except those cited by the Hon. Attorney General East, and those, as he had stated, he did not think in point; he would venture to assert that the majority of cases would go to prove the reverse; he had not particularly looked them up. He read one case. He did not think that the course the Government were taking was the practice of parliament. He might be wrong, but if ever he felt sure of being right in anything, he felt that he was right there. Considering everything, and in a Bill so important as that, he had felt it his duty to move his amendment, and submitted the resolution to the House.<sup>98</sup>

MR. FLINT would say a few words. He was asked if he would vote for paying the Rebels, he said he would not at first; but that, when he came to look into the Bill for himself, he had come to the conclusion that it was just and that he would vote for it, as amended by the hon. member for Norfolk. He thought there was just ground for issuing the commission. He thought the claims should be paid by the British Government, but that as it

would not do so, it was their duty. The last Government had set the example of paying rebels; they paid the hon. member for St. Maurice; they had set the example, and now was set to throw the odium on the present Ministry. Who was it that by an order of Council, rescinded an Act of Parliament, and put their hands into our pockets for £100,000? the greatest part of which went to Rebels. The greatest nonsense and inflammatory speeches had been made to get up meetings. The whole thing, of which so much noise had been made, would only be sixteen pence a-head on the whole population, and for this immense sum they were ready to throw up their allegiance, go for annexation, and set the St. Lawrence on fire. The hon. gentleman proceeded to speak about the meetings and petitions which had been got up. He said that they had all been got up by misrepresentation and nonsense. He went on to analyse, as he expressed it, various petitions<sup>99</sup>. When he heard the hon. and gallant Knight from Hamilton present the petition, said to be signed by several thousand of the people of Hastings, he had felt somewhat hurt and annoyed, but he had since analysed the petition, and he found there was no cause for alarm. There were not altogether more than one thousand four hundred and forty-five signatures to it, and of these only about three hundred were respectable people. A great number of boys and others had attached their names to it, and some persons had gone so far as to sign the same petition several times over. Mr. Flint then alluded to the great defeat sustained by the opponents of the Government measure in the Township of Murray, in the County of Northumberland, and to the meeting at Waterloo, in the County of Frontenac, attended only by the innkeeper and three gentlemen from Kingston.<sup>100</sup>

MR. H. SMITH (Frontenac) had always understood that hon. members sent to that House were bound to fulfill the wishes of their constituents. He would put it to the hon. member for Hastings to say if he had not verified his constituents ((wishes)). The hon. member felt that his constituents had no confidence in him; he felt it in the fact that they had not entrusted their petition to his care. He (Mr. S.) had been in the Chair when this question was discussed in Committee, and he had noticed the uneasiness of the hon. member, and had watched when he gave his silent vote, and he was now trying to justify it. The gentleman admits that he had been at a caucus meeting. He (Mr. S.) believed that he was right in saying it was composed of Upper Canada members; and further that they did not like it, and were afraid.<sup>101</sup>

MR. FLINT asked if he had been eavesdropping?<sup>102</sup>

MR. H. SMITH said that was the most impertinent remark that he had heard during the debate. He would nevertheless, observe that he had been informed of the circumstances by a member who had been there. The hon. gentleman had made indecent remarks of the hon. member for St. Maurice who had been too often indecently alluded to in the debate. When that hon. member was first offered compensation, he had refused to take it, and did not do so, until it was offered by the unanimous vote of the House. Gentlemen on that side had voted for it, and now they should not insult him; he hoped to hear no more of those allusions. The hon. gentleman had spoken of the misrepresentation in Upper Canada; the only misrepresentation there had been, was stating that the amount was £180,000, instead of £100,000; there had been none as regarded the principles. Meetings had been held everywhere



and expressed the strongest disapprobation. No meetings had been got up supporting the Government, except at Murray, a little meeting in a tavern, at which the Chairman was not a freeholder. The hon. gentleman had spoken of the meeting at Frontenac, which he represented as being composed of three persons and the innkeeper, and he represented them as the signers of the petition. He knew well that it was false. He knew that the petition had been signed by 700 persons, among whom were the Warden of the District, and District Council, and that it represented the feeling of the whole County of Frontenac. The hon. gentleman said that it was only taxing the Country at sixteen pence a-head. He asked him if he was prepared to tax his constituents sixteen pence a-head for that purpose.<sup>103</sup>

MR. FLINT said he was.<sup>104</sup>

MR. H. SMITH.--Well that answer will go to the country. He will see what his constituents think of it, and he would see if he came to Parliament again. He told the hon. gentleman that he did not represent the wishes of his County and the time would likely come before long when he would find it out. There never had been a discussion on which there had been so much misrepresentation; and he asserted that the Ministry had not acted fairly. They were told that it would not pay any other kind of losses than those which had been paid in Upper Canada, and it was not true. He felt that it was unjust, that it would create ill-feeling, and was to be regretted. When they could not find one shilling for anything else they could find thousands of pounds for that. He thought that issuing debentures would injure public credit; the last debentures had done so.<sup>105</sup>

MR. FLINT said a few words.<sup>106</sup>

MR. STEVENSON thought the measure was much to be regretted. His Excellency had congratulated the country upon its peace. It was certain that peace no longer existed, and he feared that the Ministry had much to answer for. He was one of the commissioners of the Upper Canada rebellion losses, and he had never dreamt of paying those who had been against the Government, yet he was gravely told that this Bill was like that of Upper Canada. Three-fourths of those whom the Ministry now intended to pay were Rebels. He lacked language to characterize such duplicity, and such a measure as he believed it had no parallel in the world. A good deal of oratory had been expended in censuring the conduct of her Majesty's officers and soldiers. These men had arms in their hands and in the face of a hostile enemy; and were to be told, not only by such men as the member for Hastings, but by the two Solicitors General, that because they did their duty, they had committed outrage. The hon. gentleman, as we understood him, proceeded to criticize the remarks of Mr. Solicitor General Blake on John Hampden, but from the low voice in which he spoke and interruptions on the Ministerial benches, we were unable to write down what he said. We heard him observe that he had listened to them with patience, and that the remarks he was making might not be very pleasant to them.<sup>107</sup>

MR. MEYERS said a few words to the effect that his constituency was strongly against paying rebellion losses.<sup>108</sup>

MR. INSP. GEN. HINCKS rose to call the attention of the House, to the question which was the amendment of the hon. and gallant Knight.<sup>109</sup>

SIR A. MACNAB had not intended to have risen again, but for the manner in which the hon. member for Hastings had spoken of his constituents, who had entrusted to him (Sir Allan) their petition. He was greatly astonished to hear, that hon. member speak in the manner he had done of the 1450 he said had signed the petition. He (Sir Allan) had thought, there were more like 2000 signatures. It was possible that some boys might have signed the petition, but when he saw the name of Col. Pitchard, the District Warden, the district Council, and others of the most respectable men in the district on the petition, he felt that it ought to be highly regarded; and that it expressed the opinion of the county. He thought the hon. member had not treated his constituents with justice. It might happen that little boys might sometimes have the same names as men. He had felt it his duty to stand up because he considered the remarks of the hon. gentleman extraordinary.<sup>110</sup>

MR. AT. GEN. BALDWIN would observe as regard to the question of order of the hon. and gallant knight; he had produced no precedents, as he (Mr. B.) recollected the practice, it was according to the course they were now pursuing. With regard to the hon. and gallant Knight's remarks on the hon. member for Hastings, he did not think that they were fair. An hon. member would only do his duty to his constituents in remarking that fact of strange names on a petition.<sup>111</sup>

MR. W. SCOTT, Two Mountains, believed the excitement was on the other side; because the losses in question, should have been paid before.<sup>112</sup>

COL. GUGY rose to speak.<sup>113</sup>

MR. CAUCHON said, don't be long.<sup>114</sup>

COL. GUGY proceeded. The hon. member for Montmorency says, "don't be long." Mr. Speaker, has a new office been created in the House? There were once Court fools--has the hon. member for Montmorency been appointed to fill the office of fool of the House? He is no doubt competent, but for this purpose he should be provided with a cap and bills. (Laughter and sensation.) That hon. member is always making remarks on things which he does not understand.<sup>115</sup>

MR. CAUCHON made a remark we did not catch.<sup>116</sup>

COL. GUGY proceeded for the better edification of the hon. member, to repeat his remarks in French, adding that in times give (sic) by, it was the customs of the kings of France, to have in their Courts fools or jesters (sic) who were kept for the purpose of general amusement. He went on to remark on the speech of the hon. member for Hastings. He would not stop to ask if he were a volunteer, as if he had been thrown into the gap by the Ministry. That hon. member said, his constituents were assured that this House would set the St. Lawrence on fire, the hon. member might rest assured, however, that he himself (Mr. Flint) never would. He said, that it was the last ministry, who first appointed rebels to office. To appoint a man to office, might be founded on a conviction of his fitness and sufficiency, it was some proof of penitence, and at all events the tendency was towards oblivion. There was a difference between oblivion and reward. An appointment for office was a prospective measure, but that of the present ministry is retrospective. The hon. member for Hastings had taken pleasure

in imprisoning rebels.<sup>117</sup>

MR. FLINT said he would again.<sup>118</sup>

Aye, ((continued)) COL. GUGY, renegades and apostates are always more violent than others. He was in favor of oblivion being thrown over the past--and so was a highwayman. He was naturally desirous of oblivion, but he could never expect a reward. The question before the House was on the amendment of the hon. and gallant knight. All precedents showed that measures of this kind had always been forwarded slowly. In all cases that related to money you afford opportunities for jobbing, and cautious and slow proceedings are the best means to prevent it. On the present occasion they were about to make a precedent. They could not show one precedent for a measure of this kind being passed through at the rate the ministry were forcing this, when any objection had been urged against it. The ministry have not spoken with any precision on this question, they have dealt in vague (sic) generalities and when the question was put to them by him (Col. G.) whether they intended to restrict to those that were on the side of order they had not dared to answer. It would be seen in a little time, that the ministry were ignorant of the feelings of the country. The member for Bytown, had chosen to characterize the meeting of Montreal, as a disorder by a mob of about 1400 consisting in the greater of boys and mechanics. He (Col. G.) had taken care to ((get)) a respectable and very skilful engineer to measure the place where the people stood. It was an area of 8250 square feet; and allowing 2 feet to every man would make the meeting to consist of upwards of 4000, but the meeting was very densely packed and it is probable that one man did not occupy more space than a foot and a half. If the ministry were prepared to legislate against the wishes of the country they must be prepared for very disastrous consequences. Time would convince the hon. member for Bytown, and that perhaps before long; that he was acting in direct and open opposition to the wishes of his electors. He (Col. G.) had that evening heard from one of the most respectable men of Bytown, that there had been an immense meeting held at Bytown, composed of almost the whole of the male population. This meeting denounced as iniquitous and notorious, the very proceedings which the hon. member for Bytown supported with all his might. This majority now in the House had not even the courtesy to gild the pill they were determined to force down the throats of the people of this country.<sup>119</sup>

Hon. gentlemen on the opposite side of the House began to leave their seats.<sup>120</sup>

COL. GUGY ((continued:)) Hon. gentlemen might vacate their seats<sup>121</sup> ((and)) not do their duty to their constituents,<sup>122</sup> he would speak to empty benches with quite as much pleasure and quite as much hope; these benches seemed to possess as much feeling, and perhaps would legislate for the country quite as well as those who had vacated them. It would at all events save some money. He would proceed and trusted that what he said would be given to the country by the<sup>123</sup> accurate reporters in those galleries,<sup>124</sup> most of whom were men of humor, integrity, industry, and education. He was desirous of calling the attention of the House and the country through the Reporters to Bolingbroke's patriot king. He commended it to the attention of the Governor General. He hoped the Governor General would have sufficient courage to counteract on the centrifugal power, which he must feel was about to produce a disruption. The Governor General was and must be aware, to his personal honor was committed the maintenance of the integrity of the Empire. He (Col. G.) had already said, and pro



claimed it aloud; but for the exertions of men of the class to which he (Col. G.) belonged, there would not be an English Governor in Canada. The Governor General was bound to bear that in mind. When the troops in the county (sic) were so few as to be inadequate to the taste, the loyalists had preserved the country. If His Excellency then was heard at all in an official capacity --if it was agreeable or profitable to him--if it tended to his advancement in the British peerage, or in any other way, he owed that station to the loyalists. The fact could neither be disguised or denied. Was it grateful, or just, or politic, to insult and wrong those men, for the special benefit of the party who had risen in arms? That surely was going beyond oblivion. His Excellency was in two capacities, in one as colonial minister of the Crown in the other as representative of our beloved Sovereign. There was in every distant colony a tendency to separation, or what might be called a centrifugal power. He (Col. G.) hoped that the Governor General would act as a mediator amid conflicting parties; but the first duty of the Governor General was to maintain Imperial interests, and show, on fitting occasions, that he was no king log (sic). And were not a nation's gratitude, a nation's honor, a nation's interest, were not these interests confined to the Governor General? Was he not bound to avert the calamity which the loyalists had fought and bled to avert? They claimed no preference, but were advantages to be heaped upon the insurgents at the expense of the Loyalists? He (Col. G.) was indignant at the bare thought of any conduct so mean being attributed to the Governor General, and still more to the Loyalist people. If that people intended to part with the Colony, they would say so manfully and explicitly; they would not condescend to do it indirectly, by humbling and mortifying the Loyalists. What! when the late Government urged, impelled the Loyalists into activity by appeals of the most stirring kind, appeals which had been made to himself (Col. G.), was that activity to be imputed to them as a crime, and by a British Governor General? Were they to be branded, as they had been in this House, as Goths and Vandals, as robbers, as incendiaries, as assassins? and were they to be taxed by this majority to reward and propitiate the men who had been guilty of every excess, and had avowed, as they still avowed, their design to sever the connexion with England? To act in that spirit would be making a most ungrateful return to the Loyalists. It would be, too, a manifest violation of the plighted faith and honour of the Crown. Now, of that faith and honour: who was the guardian in this Colony? not the majority in this House surely. No; but the Governor General alone. Let what would come of it, his Excellency could not--no, not even to obtain a British Peerage, or for any other prospect immediate or remote--forget--the solemn duties incident to his high station. It was true indeed; too true, that that personage had no individual interest in the welfare of Canada. His personal interests were necessarily Scottish, or English, or Irish, he would sooner or later, leave the Colony, and to his Excellency, personally, the ultimate fate of Canada was of no consequence whatever. What was there then to afford security to the country--what, but that all sufficient pledge, his Excellency the Governor General's honour. The time would indeed come, in the natural course of things, when these Provinces must become an independent State, although it would never come in his (Col. G.'s) time if he could prevent it. It was a point of honor which the British people must feel, and could never be accomplished in any manner worthy of them. He (Col. G.) had always been true to his colors, though in

the spring of the year 1837, a Governor of this Colony had insulted his father; it might have made him passive for a period, but he could never raise a paricidal hand against his country. And what was the result, but that the Government and subsequent Governors, were not merely indifferent to him; they did not merely forget his services and his sacrifices, they positively reproached him with his zeal. It was ascribed to him as a fault that he has succeeded in preserving the integrity of the Empire; and he had suffered not only great pecuniary losses,--but insult at the hands of British Governors, who had since come out to occupy the station open to them, only because the Rebels did not succeed. In addition to that too, he had of course, incurred great odium with the French Canadians. He remembered the cheering, the excitation, the clapping of hands, and clucking satisfaction with which some French Canadian members of this House had greeted the intonation of the hon. member for Two-Mountains relative to the wounds received by him (Col. G.) Those who take up arms to maintain order, must always expect hatred of those against whom they acted. But was it fair that a British Government and a British Governor should side with defeated insurgents and be moved by the same passions? That could not be surely unless every single feeling--every sentiment becoming a patriotic Governor were drowned (sic) amid purposes and interests quite impossible. As to the loyalists, sting to the quick. It was not unnatural that men insulted as they had been, should talk of looking across the lines, for relief from tyranny within. It was said generally, he believed, that this measure was a part of a good plan to goad the loyalists to do so. They, the loyalists, would thus be made instrumental in bringing about the annexation which the other party were supposed so much to desire. The responsibility would thus be placed on the loyalists; the benefit would be shared by the other party. There could be no peace for this vexed country if that measure was persisted in. He prayed the majority to wait a fort-night, and believed that petitions would yet come in which the ministry, the Governor General, could not disregard. He had heard that the Debentures, at Quebec, were at 20 per cent discount; and if those already issued, were at that low discount, what would become of a fresh issue. No law could be passed which might not be reversed in two years after. The Queen might be advised to disavow that, and in view of which no sane man would take debentures. With these remarks, which he had felt himself compelled to make, he would sit down, and support the amendment of his friend the hon. and gallant knight.<sup>125</sup>

(122)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

*YEAS.*

*Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Dickson, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of DURHAM, Smith of FRONTENAC, and Stevenson (20.)*

*NAYS.*

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Gillet, Hincks, Holmes, Jobin, Attorney General LaFontaine,*

Laterrière, Laurin, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, and Watts.--(46.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, and Watts.--(46.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Dickson, Gugg, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

(103)

On motion of Mr. Morrison, seconded by Mr. Cauchon,

Prescott Election.

Resolved, That the Petitioner complaining of the undue Election and Return of Thomas Hall Johnson, Esquire, for the County of Prescott, and the sitting Member, do exchange, on or before the fifth day of March instant, at three o'clock, P. M., lists of the voters objected to, giving the several heads of objection, and distinguishing the same against the names of the voters expected to by them, respectively; such lists to be delivered as follow, that is to say--the list on the part of the Petitioner to be delivered or left at the residence of the said Thomas Hall Johnson in the City of Montreal, and the list on the part of the sitting Member to be delivered to or left at the residence of, Joseph C. Morrison, Esquire the Nominee of the said Petitioner in the said Controverted Election.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Sir Allan N. MacNab, seconded by Mr. Malloch, The House adjourned till Monday next.



APPENDIX: 2 MARCH 1849.

((NOTICE OF MOTION RE: LIMITING SPEECHES TO ONE HOUR.))<sup>126</sup>

MESSRS. ARMSTRONG AND NOTMAN gave notice of motions on limiting the speeches of hon. members to one hour at a time.<sup>127</sup>

((NOTICE OF MOTION RE: REPRESENTATION BILL.))<sup>128</sup>

MR. AT. GEN. LAFONTAINE gave notice of a Representation Bill<sup>129</sup>.

((NOTICE OF MOTION RE: ADDRESS FOR CORRESPONDENCE ABOUT REBELLION LOSSES.))<sup>130</sup>

SIR A. MACNAB, ((gave notice)) of an address for all correspondence between the Provincial and Home Governments on the subject of the payment of the Rebellion Losses. To be moved for on Monday next.<sup>131</sup>

((QUESTION AND ANSWER AND WITHDRAWN MOTION RE: REPRESENTATION BILL.))<sup>132</sup>

MR. H. SMITH (Frontenac) asked when the Representation Bill would be introduced.<sup>133</sup>

MR. AT. GEN. LAFONTAINE had given notice that he would bring in the bill on Tuesday next. (Hear, hear.)<sup>134</sup>

MR. AT. GEN. BALDWIN would move that the bill be read a second time on Tuesday next.<sup>135</sup>

SIR A. MACNAB thought that as this was a matter affecting all their constituents, time should be given to hear their opinions. He should like to see the question discussed in the newspapers.<sup>136</sup>

MR. AT. GEN. BALDWIN postponed the second reading until Tuesday week.<sup>137</sup>

((QUESTION AND ANSWER RE: IMPROVEMENT TO PRESQU'ISLE HARBOUR.))

MR. MEYERS.--Whether it is intended to expend the sum of five hundred pounds, granted during the last Session of the last Parliament, for the improvement of Presqu'isle Harbour on Lake Ontario;--if so, when? And if not, why not?<sup>138</sup>

MR. ASST. COM. P. W. CAMERON stated that they had no money for those purposes.<sup>139</sup>

((QUESTION AND ANSWER RE: ROADS ON RIVER TRENT.))

MR. MEYERS.--Whether it is intended to expend the sum of twelve hundred pounds, granted during the last Session of the last Parliament, for Roads in connection with the Slides on the River Trent, and included on the Estimates of the last Session;--if so, when? And if not, why not?<sup>140</sup>

MR. ASST. COM. P. W. CAMERON stated that they had no money for those purposes.<sup>141</sup>

FOOTNOTES: 2 MARCH 1849.

1. MONTREAL GAZETTE, 5 March 1849.
2. IBID.
3. The debate on this matter was reported by: MONTREAL GAZETTE, 5 March 1849; and PILOT, 5 March 1849, BATHURST COURIER, 9 March 1849, and PACKET, 10 March 1849, in identical accounts. This bill is discussed in BRITISH COLONIST, 9 March 1849.
4. MONTREAL GAZETTE, 5 March 1849.
5. IBID.
6. IBID.
7. PILOT, 5 March 1849.
8. MONTREAL GAZETTE, 5 March 1849.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The debate on this matter was reported by: MONTREAL GAZETTE, 5 March 1849; and PACKET, 10 March 1849, PILOT, 5 March 1849, BRITISH WHIG, 6 March 1849, and GLOBE, 10 March 1849, in identical accounts.
15. PILOT, 5 March 1849.
16. MONTREAL GAZETTE, 5 March 1849.
17. IBID.
18. The debate on this matter was reported by: PILOT, 5 March 1849, MORNING CHRONICLE, 9 March 1849, GLOBE, 10 March 1849, and PACKET, 17 March 1849, in identical accounts, except that the MORNING CHRONICLE omitted several speeches; MONTREAL GAZETTE, 5 March 1849, which acknowledged the HERALD as its source for Hinck's letter, BRITISH COLONIST, 13 March 1849, and HAMILTON SPECTATOR, 14 March 1849, in identical accounts, except that BRITISH COLONIST omitted a few speeches; BROCKVILLE RECORDER, 8 March 1849, which acknowledged MONTREAL TRANSCRIPT as its source; and LA MINERVE, 5, 8 March 1849, BATHURST COURIER, 16 March 1849, and ST. CATHARINES JOURNAL, 15 March 1849, which included only Hincks' letter. Commentaries may be found in LA MINERVE, 8 March 1849, BATHURST COURIER, 16 March 1849, and PACKET, 17 March 1849, which acknowledged MONTREAL TRANSCRIPT as its source. The HAMILTON SPECTATOR will be used instead of the difficult to read MONTREAL GAZETTE and PILOT.
19. HAMILTON SPECTATOR, 14 March 1849.
20. IBID.
21. GLOBE, 10 March 1849.
22. HAMILTON SPECTATOR, 14 March 1849.
23. GLOBE, 10 March 1849.
24. HAMILTON SPECTATOR, 14 March 1849.
25. GLOBE, 10 March 1849.
26. HAMILTON SPECTATOR, 14 March 1849.
27. GLOBE, 10 March 1849.
28. HAMILTON SPECTATOR, 14 March 1849.
29. GLOBE, 10 March 1849.
30. HAMILTON SPECTATOR, 14 March 1849.
31. GLOBE, 10 March 1849.
32. HAMILTON SPECTATOR, 14 March 1849.
33. GLOBE, 10 March 1849.

34. HAMILTON SPECTATOR, 14 March 1849.
35. GLOBE, 10 March 1849.
36. HAMILTON SPECTATOR, 14 March 1849.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. GLOBE, 10 March 1849.
42. HAMILTON SPECTATOR, 14 March 1849.
43. GLOBE, 10 March 1849.
44. HAMILTON SPECTATOR, 14 March 1849.
45. GLOBE, 10 March 1849.
46. HAMILTON SPECTATOR, 14 March 1849.
47. IBID.
48. IBID.
49. GLOBE, 10 March 1849.
50. HAMILTON SPECTATOR, 14 March 1849.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. GLOBE, 10 March 1849.
56. HAMILTON SPECTATOR, 14 March 1849.
57. GLOBE, 10 March 1849.
58. HAMILTON SPECTATOR, 14 March 1849.
59. IBID.
60. IBID.
61. GLOBE, 10 March 1849.
62. HAMILTON SPECTATOR, 14 March 1849.
63. GLOBE, 10 March 1849.
64. HAMILTON SPECTATOR, 14 March 1849.
65. GLOBE, 10 March 1849.
66. HAMILTON SPECTATOR, 14 March 1849.
67. GLOBE, 10 March 1849.
68. HAMILTON SPECTATOR, 14 March 1849.
69. GLOBE, 10 March 1849.
70. HAMILTON SPECTATOR, 14 March 1849. This speech is identical in MONTREAL GAZETTE, 5 March 1849, PILOT, 5 March 1849, GLOBE, 10 March 1849, BRITISH COLONIST, 13 March 1849, and PACKET, 17 March 1849.
71. HAMILTON SPECTATOR, 14 March 1849.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. The debate on this matter was reported by: LA MINERVE, 5 March 1849; and PILOT, 5 March 1849, BRITISH WHIG, 6 March 1849, PACKET, 10 March 1849, GLOBE, 10 March 1849, and HAMILTON SPECTATOR, 14 March 1849, in



identical accounts. MONTREAL GAZETTE, 5 March 1849, noted the debate. The HAMILTON SPECTATOR will be used instead of the difficult to read PILOT.

83. HAMILTON SPECTATOR, 14 March 1849.

84. IBID.

85. IBID.

86. IBID.

87. The debate on this matter was reported by: LA MINERVE, 5 March 1849; GLOBE, 10 March 1849; BRITISH WHIG, 5 March 1849; MONTREAL GAZETTE, 5 March 1849; and PACKET, 10 March 1849, BRITISH WHIG, 6 March 1849, PILOT, 5 March 1849, and HAMILTON SPECTATOR, 14 March 1849, in identical accounts. MORNING CHRONICLE, 5 March 1849, BRITISH COLONIST, 6 March 1849, GLOBE, 7 March 1849, HAMILTON SPECTATOR, 7 March 1849, and ST. CATHARINES JOURNAL, 8 March 1849, noted the debate in identical accounts. A commentary may be found in PILOT, 5 March 1849. The HAMILTON SPECTATOR will be used instead of the difficult to read PILOT. The PILOT carried two short reports of this debate, one submitted by the reporter who wrote: "We believe our readers have already had enough on this topic, and therefore spare them the further infliction of the subject." This tiny report led the editor to write: "Our reporters thinking the public have had enough about rebellion losses, have not reported the discussion which took place. We must therefore content ourselves with a brief summary from memory." As a result, the bulk of the reconstructed debate is taken from the MONTREAL GAZETTE's very full account.

88. HAMILTON SPECTATOR, 14 March 1849.

89. MONTREAL GAZETTE, 5 March 1849.

90. IBID.

91. IBID.

92. HAMILTON SPECTATOR, 14 March 1849.

93. IBID.

94. MONTREAL GAZETTE, 5 March 1849.

95. IBID.

96. IBID.

97. GLOBE, 10 March 1849.

98. MONTREAL GAZETTE, 5 March 1849.

99. IBID.

100. GLOBE, 10 March 1849.

101. MONTREAL GAZETTE, 5 March 1849.

102. IBID.

103. IBID.

104. IBID.

105. IBID.

106. IBID.

107. IBID.

108. IBID.

109. IBID.

110. IBID.

111. IBID.

112. IBID.

113. IBID.

114. IBID.

115. IBID.

116. IBID.
117. IBID.
118. IBID.
119. According to GLOBE, 10 March 1849, more than the opposition members left. "The effect of this oration on the House was most remarkable; the stranger's galleries thinned perceptibly, and one by one the Members on the Ministerial side of the House dropped out, until not more than half a dozen remained, and they, with two exceptions, were peaceably slumbering; nor were his own friends more forbearing, the torrent of eloquence was too overpowering for mortal endurance.... The moment Gagy returned to his seat, the Members flocked in from the lobbies and news room, and the House divided."
120. MONTREAL GAZETTE, 5 March 1849.
121. IBID.
122. GLOBE, 10 March 1849.
123. MONTREAL GAZETTE, 5 March 1849.
124. GLOBE, 10 March 1849.
125. MONTREAL GAZETTE, 5 March 1849.
126. The following was reported by: LA MINERVE, 5 March 1849; and PILOT, 5 March 1849, PACKET, 10 March 1849, BATHURST COURIER, 9 March 1849, BRITISH WHIG, 6 March 1849, and GLOBE, 10 March 1849, in identical accounts.
127. PILOT, 5 March 1849.
128. The following was reported by: LA MINERVE, 5 March 1849; and PILOT, 5 March 1849, PACKET, 10 March 1849, BATHURST COURIER, 9 March 1849, and BRITISH WHIG, 6 March 1849, in identical accounts.
129. PILOT, 5 March 1849.
130. The following was reported by: LA MINERVE, 5 March 1849; and PILOT, 5 March 1849, PACKET, 10 March 1849, and BATHURST COURIER, 9 March 1849, GLOBE, 10 March 1849, and BRITISH WHIG, 6 March 1849, in identical accounts.
131. PILOT, 5 March 1849.
132. The following was reported by: PILOT, 5 March 1849, PACKET, 10 March 1849, BATHURST COURIER, 9 March 1849, GLOBE, 10 March 1849, and BRITISH WHIG, 6 March 1849, in identical accounts.
133. PILOT, 5 March 1849.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. MONTREAL GAZETTE, 5 March 1849.
139. IBID.
140. IBID.
141. IBID.

MONDAY, 5 MARCH 1849.

(123)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Flint,--The Petition of Normand Macdonald and others, of Upper Canada.

By Mr. Nelson,--The Petition of William Simpson and others, of Canada.

By Mr. Thompson,--The Petition of Barnard Foley and others, of the Township of Grantham, and others.

By Mr. M'Lean,--The Petition of the Reverend George A. Hay and others, the Catholic Clergyman and Laity of the Parish of St. Andrews.

By Mr. Méthot,--The Petition of Henry Atkinson, Esquire, and others, of the City and vicinity of Quebec.

By Mr. Lemieux,--The Petition of T. M. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Levy, Seignior of Lauzon, County of Dorchester.

By Mr. Fortier,--The Petition of Charles Duguay and others, of the south shore of the River St. Lawrence, District of Three Rivers.

By Mr. Gugy,--The Petition of Edwin Pridham, Esquire, and others, of the Townships of Grenville and augmentation, and Harrington, in the County of Two Mountains; and the Petition of Edward Hale, Esquire, Chairman, and J. G. Robertson, Secretary, on behalf of a public meeting of the inhabitants of the Town of Sherbrooke.

By Mr. Chauveau,--The Petition of Joseph P. Bradley, Esquire, President, and others, on behalf of the Officers and Members of the St. Patrick's Society of Quebec.

By the Honorable Mr. Macdonald,--The Petition of Francis M. Hill and others, of the City and Township of Kingston.

By Mr. Morrison,--The Petition of Thomas Dick, Esquire, and others, Ship-Owners, Master-Mariners and others interested in navigating the Lakes and Inland Waters of Canada.

By Mr. Bell,--The Petition of the Municipal Council of the District of Bathurst (Jurors).

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of John M'Gill Chambers, of the Township of Montague, District of Bathurst; praying that the Act of 10 and 11 Vic. c. 53, for establishing the boundary line between the Townships of North Elmsley and Montague may not be repealed.

Of Jesse Joseph, of Montreal, praying that pipe clay may be admitted into the Province free of duty, and that a duty of 20 per cent be imposed upon tobacco pipes.

Of James Scott, Esquire, and others, of the Lake St. Louis and Province Line Railway Company; praying for certain amendments to the Act incorporating the said Company.

Of Patrick Daly, of Drummondville, in the District of Three Rivers; praying remuneration for services as District Surveyor to the late Municipal Council of Nicolet, and payment of an account due him by the said Council.

Of A. Farewell and others, of the Township of Whitby, Home District; praying that no division be made of the said District.



Of John Grubb, President of the Albion Plank Road Company; praying to be authorized to extend the line of Road belonging to the said Company.

Of E. Fisher, President, on behalf of the Etobicoke and Mono Sixth Line Road Company; praying for certain amendments to the Act incorporating the said Company.

Of J. W. Eaton and others, of the Municipality of the Village of Philipsburg and the remaining part of the School District No. 1 in the Parish of St. Armand West, County of Mississquoi; praying that the said Municipality, and that part of School District No. 1 not included therein, may be separated from the said Parish, and erected into a distinct School District.

Of Robert Cross and others, of the Seigniorship of Beauharnois; praying for the adoption of measures to change the Seigniorial Tenure of Lands.

Of Robert Lovell and others, of the County of Beauharnois; praying that the Circuit Court be removed back to the Village of Durham,--that the Education Laws be simplified,--that the Parish Municipalities be restored, and the Sleigh Ordinance revived.

Of E. C. Thomas, Esquire, Chairman, and A. Logie, Secretary, in behalf of a public meeting of the Inhabitants of the District of Cote; praying that no appropriation be made out of the Provincial Revenues for the Rebellion Losses of Lower Canada,--and that no indemnity be granted in any way to those persons who were openly and actively engaged in the Rebellion.

Of Ozias Buchner and others, of the Township of Thorold, District of Niagara; praying for the removal of the District Town of the said District to a more central position.

Of T. H. Ketchum and others, of the Townships of Cramahe and Murray, District of Newcastle; praying that certain lots in the said Township may be erected into a new Township.

Of the Reverend P. Beaumont and others, of the Parish of St. Jean Chrysostôme, County of Dorchester; praying for the abolition of Taverns, and the substitution of Temperance Houses in the place thereof.

Of the Honorable Joseph Bourret and others, of the City of Montreal; praying to be incorporated as "L'Association St. Jean Baptiste de Montréal."

Of the Oneida Indians of the Township of Delaware, District of London; praying that their lands may be free from taxation.

Petitions of  
Lord Bishop of  
Montreal and  
others, refer-  
red.

Resolved, That the Petition of the Right Reverend the Lord Bishop of Montreal, and others of the City of Quebec, be referred to a Select Committee composed of Mr. Chabot, Mr. Chauveau, Mr. Méthot, Mr. Lemieux, Mr. Christie, Mr. Taché,

(124)

and the Honorable Mr. Laterrière, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Petition of J.  
W. Griffin and  
others.

Mr. Notman moved, seconded by Mr. Hall, and the Question being put, That the Petition of John Watson Griffin, praying for the adoption of measures to obtain a repeal of the Patent constituting the Rectory of Wellington Square, and to restore to them their father's property now enjoyed by the Rector of that place, be referred to a Select Committee composed of Mr. Thompson, Mr. Hall, Mr. M'Farland, Mr. Wetenhall, and the

*mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;*<sup>1</sup>

MR. WETENHALL said he wished to say a few words on the subject of the motion of his learned friend the member for Middlesex; and he would first of all thank his learned friend for his courtesy in postponing the present motion until he (Mr. W.) was well enough to attend the House. He willingly admitted that he disapproved of the establishment of the fifty-seven Rectories. He considered their establishment to have been, to say the least, a great blunder on the part of the Government; to have been an act of gross injustice to the inhabitants of Upper Canada, inasmuch as it was an attempt to place one denomination in a more favorable position than the others--a position which would be resisted by four-fifths of the population--he would also state that as a Churchman, he considered their establishment highly injurious to the Church of England, for it brought a degree of odium to bear on that church which could not prove otherwise than injurious to her. But he (Mr. W.) thought if his learned Friend wished to bring up the subject of Rectories, he should do so openly, and by not attacking an individual Clergyman. He, (Mr. W.) had known the Rev. Mr. Greene, during the whole of his residence at Wellington Square--he knew him to be a Gentleman of mild and Christian disposition, of liberal education, and of a liberal mind. He believed him to be above doing an act of injustice towards any one. He would state to the House what information he had received on the subject. It appeared that Mr. Greene had received a sum of twenty-six pounds as rent for eight years, then the lot had been valued at thirty pounds per annum, and Griffin had been charged only fifteen pounds, being allowed by way of recompense for improvements--this, I am informed, would allow about three pounds per acre. Griffin had been allowed to dispose of his right to the incoming tenants, Thomas and John Stock--he held in his hand a certificate from those tenants, which he would now read. Thus:--We hereby certify that we paid Mr. Joseph Griffin the sum of forty pounds currency as a compensation for his rights of the glebe lot he holds as a tenant under the Reverend Thomas Greene. That Mr. Griffin expressed himself satisfied and spoke highly of the conduct of Mr. Greene towards him."

THOMAS STOCK.

JOHN STOCK.

To this is added the following:--"we the undersigned believe the above statement to be correct."

JOHN DAVIS,  
EDWARD EVANS,  
JAMES McMONNIES,  
HENRY F. GRAHAM.

He (Mr. W.) was well acquainted with these parties--he knew the two brothers of the name of Stock, the present tenants--they are highly respectable and industrious farmers, and he had every faith in their statements--the four gentlemen who express their belief in the truth of this statement were also well known to him. They were amongst the most respectable of his constituents, they entertained strong feelings against the establishment of the Rectories, and he believed them incapable of certifying any statements contrary to their firm conviction.--He should only add that he trusted his learned friend would consent to submit this question to the Government--he had no desire to oppose investigation--Mr. Greene was anxious for it; but

he (Mr. W.) did not see the propriety of dragging that Rev. gentleman and his witnesses to Montreal, when, if his proposal was accepted, the evidence could be taken on the spot.<sup>2</sup>

MR. COM. CR. LANDS PRICE thought this was a subject of great importance, and well deserving the attention of hon. members. He quite agreed with his hon. friend the member for Middlesex on the Rectories question, but that was not the question now, this was an individual appropriation for land belonging to the Rectories. If this was a motion for a committee to enquire into the manner in which the Rectories were established, he (Mr. P.) would have voted with his hon. friend, but he did not think it right to drag on the whole question on an isolated case like this. His (Mr. P.'s) opinion on the question of the Rectories and Clergy Reserves were (sic) well known throughout the country, and neither office, fear nor reward would ever induce him to change his views and divert him from that course which he had marked out for himself.--He was fully convinced that the Rectories and Clergy Reserves had been appropriated in such a way as had given universal dissatisfaction throughout the Province, and unless these two questions were brought up and fairly disposed of, according to the wishes of the people, the country never would be satisfied and quiet.<sup>3</sup>

Loud ironical cheers from the opposition<sup>4</sup>.

MR. COM. CR. LANDS PRICE ((continued:)) This was not however the time to settle the question. The hon. member then adverted to the individual case of the petitioners, contending that there was no ground for the interference of the House. There was nothing further however in his remarks of any great public interest.<sup>5</sup>

MR. NOTMAN did not intend to make a speech of any length, for he felt the full amount of injury inflicted on the house and country by the mania for speaking hour after hour which appeared to possess some hon. gentlemen. He was glad to hear the sentiments expressed by the hon. member for Halton, respecting the general question, but well knowing that the hon. gentleman was now a convert to such opinions, he would not pretend to compliment him. That hon. gentleman, however, was much mistaken if he imagined that in bringing forward this motion, he was actuated by personal motives. He could assure his hon. friend that any observation he had to make, referred in no way to the Rev. Mr. Greene, with whom he had no acquaintance personally. He did not even know whether he was the incumbent at the time the glebe was set apart, and therefore it was quite unnecessary for him to say that he would defend Mr. Greene, from any attacks made on him. He had been advised to refer this subject to the government for their consideration, but he felt bound to reject that advice, as it had been already referred to two cabinets, and the answer had been adverse in each case, and he supposed a similar answer would be returned again, on the ground that it had been already decided, and therefore could not be taken up again. He therefore appealed to the justice of the house to give a favourable reply to this application, for although it was only an individual case then before them, yet it should be remembered that there were hundreds, aye thousands, of a similar nature. After listening to all the statements of the hon. member for Halton, and the arguments of the hon. Commissioner of Crown Lands, he would tell them that he was willing to rest this case upon one ground alone--that the



patents under which those rectories were held, were void in point of law, declared to be so by the best lawyers in England. They were void then, and are now void, and he could show that the petitioner had been fraudulently deprived of his property, and in opposition to the instructions of the government. The instructions of the Government were clearly that no lots on which any improvement had been made should be applied to the endowment of a Rectory, and yet some person whom he did not know, had falsely informed the Government that the lot occupied by this person was a vacant lot, although he had made improvements to the value of £750, and as a proof that he was acknowledged as a tenant by the Government, he would mention the fact of Joseph Griffin, the then occupant, having in his possession two receipts for rent, respectively dated 1833 and 1835. But it had been asserted that he had sold out, on terms with which he was perfectly satisfied. That he denied, and demanded a full, fair and impartial investigation might be granted into this case, involving as it did the tranquility of Canada. The hon. gentleman then alluded to the advice tendered by the hon. Commissioner of Crown Lands, that Mr. Griffin should have supported his claims in the Court of Chancery. How could it be supposed that a man comparatively ignorant, would for one moment think of resisting or opposing without any means, the enormous power of the Crown, or could any person believe that a man who had nobly served the Crown in the Glengarry Fencibles, during the war of 1812; and had retired with the highest character that could be given to a man, would forfeit it by attempting to obtain money from the government, after having sold out his satisfaction? He could not believe that such was the case, and he made that motion under the impression that there was something mysterious about the manner in which this person had lost his land, and that was what he wished to have explained. He asked for this Committee the more confidently, because they all knew well that there is no subject of greater complaint among the people of Canada, than this very question of Clergy Reserves, and although they frequently heard the table groaning under the number of petitions; yet, unfortunately, they were, after being quietly read, stored up in the archives never to be read, and never to be heard of again--and if that system be pursued throughout, would not the people of the country necessarily believe, at length, that the right of petition was nothing but a mockery and delusion; and they must, of course, be induced to compare the conduct of members in the house, with the pledges they gave at the Hustings, when they would not have dared to say that they would stop enquiry into the Clergy Reserves question.<sup>6</sup>

(124)

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Cartier, Cauchon, Christie, DeWitt, Hall, Malloch, M'Connell, Notman, Papineau, Sauvageau, Smith of WENTWORTH, and Thompson.--*  
(13.)

NAYS.

*Messieurs Badgley, Attorney General Baldwin, Bell, Solicitor General Blake, Boulton of NORFOLK, Boulton of TORONTO, Cameron of KENT, Cayley, Chabot, Crysler, Solicitor General Drummond, Dumas, Fergusson, Fortier, Fournier, Fourquin, Gugy, Guillet, Arrorney General LaFontaine, Lemieux,*

Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, M'Farland, Merritt, Méthot, Meyers, Morrison, Polette, Price, Robinson, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Viger, and Wetenhall.--(37.)

*So it passed in the Negative.*

Petition of the St. Lawrence and Atlantic Railroad Company; Of the Corporation of Quebec;

Ordered, That the Petition of the Saint Lawrence and Atlantic Railroad Company (increased powers); and the Petition of the Mayor and Councillors of the City of Quebec (Railroad), be referred to the Standing Committee on Railroad and Telegraph Line Bills.

Of the Niagara Falls Suspension Bridge Company. Of W. H. Merritt and others; Of W. Davidson and others; Of the City Council of Kingston;

Ordered, That the Petition of the Niagara Falls Suspension Bridge Company; the Petition of the Honorable W. H. Merritt, President, and others, Directors of the Niagara Falls Suspension Bridge Company; the Petition of William Davidson and others, of the first and second concessions of the Township Caistor, County of Lincoln, and the Petition of the City Council of Kingston (Hospital), be referred to the Standing Committee on Standing Orders.

Of D. Wylie and others;

Ordered, That the Petition of David Wylie and others, Reporters engaged on the Montreal Press, be referred to the Standing Committee on Contingencies.

Of the President, &c., of the Niagara Falls Suspension Bridge Company, referred.

The Honorable Mr. Merritt moved, seconded by Sir Allan N. MacNab, and the Question being put, That the Petition of the President and Directors of the Niagara Falls Suspension Bridge Company, be referred to the Standing Committee on Standing Orders; the House divided:--And it was resolved in the Affirmative.

Petition of J. M. Ferres.

Mr. Christie moved, seconded by Mr. Gugy, and the Question being put, That the Petition of James Moir Ferres, of the City of Montreal, Esquire, praying for an investigation into the matter of his dismissal from the office of Revenue Inspector, be referred to a Special Committee, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;<sup>7</sup>

MR. INSP. GEN. HINCKS did not intend to go into the arguments of the two causes; his principal object in rising was to<sup>8</sup> correct an error into which he had fallen when this matter was before the House on a former occasion, and to which Mr. Ferres had since called his attention, and requested him to correct. He (Mr. H.) had stated that Mr. Ferres had canvassed the county of Shefford,<sup>9</sup> and attended several meetings<sup>10</sup> for Mr. Wood, previous to his appearance on the hustings, he now learned that Mr. Ferres had canvassed the county of Shefford subsequently to the nomination; but not before it, although he had openly canvassed in the neighbouring county of Mississquoi.<sup>11</sup> He was glad he had it in his power to correct the erroneous statement which he had made, and having done so would sit down<sup>12</sup>. He needed not again enter

into the merits of the case, which had been already fully discussed in the House; he merely rose for the purpose of making the explanation he had given; the Government would of course resist the motion.<sup>13</sup>

COL. PRINCE was quite astonished at the Government objecting to this inquiry. (Hear, hear.) When this case was last before the House the hon. Inspector General had the audacity to get up and tell the House that a subject of her Majesty had no right to appear on the hustings, because he happened to be a collector of their paltry Customs. It was gross tyranny to pretend that that man would have no right to get up at a public meeting and say whom he thought fit to represent the country of Shefford. It was the tyranny equal to the tyranny of the people, unless the people were controlled by a sensible government. Was it to be said that because Mr. Ferres was prevented by law from voting, that he must not express his opinion? That was not the law of the land, though it might be the law of the Liberals.<sup>14</sup> But it was said that he opposed the Solicitor General East, and he (Col. P.) had heard that it was that gentleman who had made the complaint against Mr. Ferres. If Mr. Drummond had been a member of the Administration at the time, there might have been some excuse for his complaint against a Government Officer using his influence against him; but Mr. Drummond was only a casual candidate at the election,<sup>15</sup> he was plain Mr. Drummond<sup>16</sup>, and although Mr. Ferres was prohibited from voting, he was not prohibited by law--by the British Constitution--from expressing his opinion. It was said that Mr. Ferres had canvassed the county. It was now admitted that he had not, and as Mr. Ferres was discharged because he had canvassed the County, the Inspector General had, by the admission he had just made, admitted that they were wrong, and that they had committed great injustice in discharging Mr. Ferres.<sup>17</sup>

No, no, from MR. INSP. GEN. HINCKS.<sup>18</sup>

COL. PRINCE.--Oh, yes, litera scripta manet.<sup>19</sup>

MR. INSP. GEN. HINCKS rose to set the hon. member right, Mr. Ferres had undoubtedly canvassed the county of Shefford,<sup>20</sup> the fact ... was notorious, and was not denied by Mr. Ferres himself<sup>21</sup>. The mistake he (Mr. H.) had made, was in saying that Mr. Ferres had canvassed the county before the nomination,<sup>22</sup> while, in fact, it was not until after the day of nomination.<sup>23</sup>

COL. PRINCE was much obliged for the explanation, but it only showed the necessity for having a Committee, for supposing Mr. Ferres did canvass, he (Col. P.) held that he had done nothing contrary to law, while the members opposite said that he had, and there was no issue to be decided, but, with regard to Mr. Ferres, he did not speak until he was personally attacked several times.<sup>24</sup>

MR. SOL. GEN. DRUMMOND knew the hon. member would not wilfully state what was false, so he would beg to set him right, as he had been quite misinformed. It was said that he (Mr. D.) had assisted Mr. Ferres on the day of nomination, he would therefore mention the only words he had made use of, in reference to Mr. Ferres: Mr. Ferres came to the hustings and it was well known that he would be Mr. Wood's spokesman, and that it was Mr. Ferres who had induced Mr. Wood to come forward very much against his wish. When he (Mr. D.) was about to close his address to the electors, in which there had not been one word respecting the Governor General, excepting that he, (Mr. D.) felt confident that the noble man at the head of the government would carry out the



the principles of responsible government according to the true intent and spirit of the report of the<sup>25</sup> late lamented nobleman<sup>26</sup> who had handed it down as a legacy to the country. That was the only reference made to the present Governor General. On the question of the Clergy Reserves he (Mr. D.) had referred to the motion made some two years ago, before the present Governor General came into the country, by the hon. member for Toronto, therefore could there have been no reference to the Governor General personally. With regard to Mr. Ferres, that gentleman was standing at the front of the hustings, and was understood to be about to speak, and near the close of his speech, he (Mr. D.) had remarked in a jocular manner that Mr. Ferres with whom he had had some slight acquaintance as sub-editor of the Herald--could not object to him (Mr. D.) on the ground of his being a non-resident in the county, because he had been exerting himself for the last six weeks in the country of Mississquoi to secure the return of a non-resident. That was the personal allusion--the attack on Mr. Ferres from which he was obliged to defend himself! He hoped, that having mentioned these facts, the hon. member for Essex would not proceed to state that he had assailed Mr. Ferres or the Governor General.<sup>27</sup>

COL. PRINCE.--The explanation was well enough in its way. Mr. Ferres had been dismissed, he had been deprived of his office, for what, and upon what testimony they knew not; it was true that letters had been produced among the papers laid before the House, and that the subject had been brought forward before the House, but there had been no investigation<sup>28</sup>. Col. Prince would be the last man in the house to suspect the hon. Solicitor General of stating what was not true; but Mr. Ferres and his friends were equally positive in their assertions, and he thought therefore a full inquiry should be made into the case. He thought the government owed it to themselves as well as to the country, to grant the motion; and he beseeched them to do it.<sup>29</sup> He did not expect that the motion would have been opposed to by the members opposite.<sup>30</sup>

MR. CHRISTIE did not expect to see the Ministry oppose his motion for an investigation into his case. If the case was such as had been said by the hon. members, then he thought Mr. Ferres had occubied (sic) the Legislature unnecessarily; but he (M.C.) had heard it spoken of in a very different manner<sup>31</sup>. He had just been authorized by Mr. Ferres to state that Mr. Drummond<sup>32</sup> instead of speaking of Mr. Ferres in a jocular way, spoke to him in a very serious manner, and<sup>33</sup> threatened him on the hustings that if his party came into power, they would dismiss him from office.<sup>34</sup>--(Hear, hear.)-- Another point in the case was, the hon. member told them that he said nothing about His Excellency, but that he was perfectly satisfied with His Excellency, and that he would carry out Responsible Government in the manner in which it had been bequeathed to them by a late nobleman; but<sup>35</sup>--

MR. SOL. GEN. DRUMMOND.--It's utterly false.<sup>36</sup>

MR. CHRISTIE ((continued:)) Mr. Ferres had also informed him that a grave and serious reflection had been made by Mr. Drummond upon the Governor General, as being in league with certain persons who intended to pervert the Clergy reserves to<sup>37</sup> the Churches. He would read the petition of Mr. Ferres, which stated all the facts. (Here the hon. gentleman read Mr. Ferres' Petition to the House.) He considered that to refuse Mr. Ferres an investig-

ation, after he was so peremptorily dismissed, would be to deny British justice. No such motion would have been opposed by a British Ministry. He (Mr. C.) had no feeling about the matter, but he thought that Mr. Ferres had been most unjustly dealt with, and the investigation should be granted, either to show that the Ministry were justified in what they had done, or not, and to allow Mr. Ferres to advocate his character. He had no desire to name the Committee himself, he would leave it to be named by the House, or by the gentlemen opposite, but he did trust that a Committee would be allowed.<sup>38</sup>

MR. MCCONNELL said that this case had caused some excitement in his part of the country, and he was desirous of saying a few words about it. He thought the Inspector-General said that Ferres was dismissed because he was an Officer in his Department, and should not have interfered (sic) with the election. He believed that the election, at which the occurrence took place which had been just spoken about, was the one which was held at the time of the general election, and that another election had since taken place in consequence of Mr. Drummond's having accepted the office of Solicitor-General, which he only received after the first election. (Cries of yes.) Well, he would like to ask the Inspector-General<sup>39</sup> one or two questions; first, whether when Mr. Drummond vacated his seat by becoming Solicitor General he (Mr. Hincks) attended on the Hustings at the Shefford election?<sup>40</sup>

Hear, hear, and certainly<sup>41</sup>. ((He)) most questionably did<sup>42</sup>, from MR. INSP. GEN. HINCKS.<sup>43</sup>

MR. MCCONNELL, then, would ask him to explain the difference between the head of the department and the subordinate officer interfering in elections. (Ironical cheers.) He (Mr. McConnell) could not understand it. But he had another question to ask.--Had Mr. Hincks made any promise of roads in particular parts of the country, if the people desiring these would vote for Mr. Drummond?<sup>44</sup>

MR. INSP. GEN. HINCKS said he certainly never said anything about the roads in that part of the country.<sup>45</sup>

MR. SOL. GEN. DRUMMOND.--It was quite unnecessary to make any such promises. There was no one found to oppose me.<sup>46</sup>

MR. AT. GEN. LAFONTAINE entered into a statement respecting Mr. Papineau's dismissal. He explained, at great length, that Mr. Papineau had been dismissed in consequence of his conduct as Commissioner of Small Courts and Justice of the Peace for the parish of St. Martin, in relation to the School act, whereby that act had been rendered wholly imperative, Mr. Papineau having advised the people not to pay their assessments, and had himself set them the example by refusing to pay his and when they were held by the community for non-payment Mr. Papineau himself sat upon the cases as a magistrate, and dismissed the suits. In consequence of this conduct, the other two Magistrates of the parish and the commissioners had resigned their offices, and the government could find no one willing to take their places. A commission had been appointed by the last administration to inquire into Mr. Papineau's conduct, and the report had been against him, but he had not then been dismissed, because he had expressed contrition for his conduct; but his subsequent behaviour had been such that the ministry were compelled to dismiss him.<sup>47</sup>

MR. H. SHERWOOD thought it would be better if the motion was divided, and, with the consent of the mover, the Speaker struck out that part of the motion relative to Mr. Papineau.

MR. H. SHERWOOD.--Although he might not feel himself at liberty to support the second case, yet he was at liberty to contrast the two cases<sup>48</sup> because in the case of Mr. Papineau he thought the Government had acted just as he would have acted himself.<sup>49</sup> In the case of Mr. Papineau, complaints were made to the Government against him; he was informed of them, and copies of them furnished to him, in order that he might reply to them. A complaint was made against Mr. Ferres, and was a copy of it furnished to him, and he allowed an opportunity of replying to it? No<sup>50</sup>. So, then, while every opportunity was afforded Mr. Papineau, the same advantage was withheld from Mr. Ferres. What then was the next step<sup>51</sup> taken about Mr. Papineau? That gentleman denied the truth of the charge made against him. An enquiry was instituted, and authority was given to<sup>52</sup> Mr. Ermatinger ... to hear the witnesses and<sup>53</sup> take evidence against him and on his behalf.<sup>54</sup> Was there any enquiry entered into with regard to the conduct of Mr. Ferres? Was there any person commissioned to hear the charges made by Mr. Drummond against Mr. Ferres as to Mr. Papineau.<sup>55</sup> No, not a single word of evidence was taken.<sup>56</sup> It should be remarked that the hon. gentleman who was then Attorney General for Lower Canada, reported that Mr. Papineau ought to be dismissed from his office, and yet when he came before the Government with a letter of contrition<sup>57</sup> acknowledging that he was wrong<sup>58</sup> which, the Government following but the course pursued by them throughout, agreed to receive, and to continue him in his office--for they were unwilling to deprive him at once of his situation, and thus casting a stigma on his character, if it could be avoided without public disadvantage.<sup>59</sup> Mr. Papineau continued to act in an improper manner, and it fell to the lot of the Government which succeeded to the one he (Mr. S.) was connected with, to take the proper course relative to Mr. Papineau; but what had been the course adopted with regard to Mr. Ferres<sup>60</sup> by hon. gentlemen opposite? Was there from the beginning to the end of the proceedings against Mr. Ferres, the slightest intention manifested to give him an opportunity of hearing and replying to the charges which were sufficient to deprive him of his office, and cause so much injury, to him and his family.<sup>61</sup> No; he had been turned out, without being allowed to defend himself, in a manner which, he said, was unjust, both to himself and his family; if they had treated him in the same manner in which they had acted with respect to Mr. Papineau,<sup>62</sup> and had he then been dismissed from his office, the Government would have been able to justify themselves at once, by the exhibition of the papers, and they would have been supported by a majority, not a mere political majority such as voted with them now, but by a majority comprised of members of all parties.<sup>63</sup> But he (Mr. S.) did not think that the House would justify them for the manner in which they had treated Mr. Ferres. During the discussion which took place on the case on a former occasion, he pointed out the course which was followed in England, he pointed to the Despatch of Lord Goderich, in which it was stated that no officer should be dismissed without an opportunity being given to him to defend himself; it was a right which every British subject had a right to claim at the hands of the Government; and to dismiss an officer, upon a complaint made against him by an individual, without allowing him an opportunity of showing that the charge was not true, was a proceeding which no impartial



considerate man could approve of, however such had been the treatment which Mr. Ferres had met with, and he (Mr. S.) did not care whether he had been guilty or not of all that he was charged with or not;<sup>64</sup> he did not care however capable he might be; he would still insist that he was entitled to demand a trial as a right<sup>65</sup>--a right which was extended to the meanest criminal--to be heard in his defence, and to have a fair trial;<sup>66</sup> and would any person tell him that when a criminal in the inferior courts of justice would be entitled to demand a fair and impartial trial, they would refuse it in the high court of Parliament, under the cover of their majority. They might do so, by means of their majority. They would no doubt be backed in the exercise of any course they would adopt; but he would tell them, that their conduct had given great dissatisfaction; and although they might possibly be correct in the dismissal of Mr. Ferres, yet it was well known, that every right thinking man, even of their own party, condemned that act, as an act contrary to every principle of the British practice, to which they were all accustomed to look up; and they felt that by this injury inflicted on one individual, there was as much mischief done to the community as if it had been inflicted on five hundred, and therefore it was that he felt his duty to lift up his voice against the proceeding of the Government.<sup>67</sup> He believed that the Government had acted without any precedent, and he believed that they were determined to carry out the act without allowing any opportunity of an investigation being made. The charge against Mr. Ferres was denied by him, and upon what evidence could the Government refute that statement? they ought to give him a chance, and to prove what he had said. The Ministry had departed from every principle of justice, and they were now unwilling to allow the House to ascertain the ground upon which they had acted; they would not allow the facts to be ascertained.<sup>68</sup> Now all that he wanted, was to have a committee appointed to investigate the facts.<sup>69</sup>

MR. INSP. GEN. HINCKS.--There were no facts to be enquired into.<sup>70</sup>

MR. H. SHERWOOD.--There were facts stated by the hon. gentleman which Mr. Ferres denied.<sup>71</sup>

MR. INSP. GEN. HINCKS said the hon. gentleman could not suppose that the Government were going to enquire whether Mr. Drummond attacked Mr. Ferres or not;<sup>72</sup> Mr. Ferres was a Revenue Officer, he had no right to stand upon the hustings, and he did not deny that he did so. He (Mr. H.) did not care as to what Mr. Drummond had or what Mr. Ferres had said--<sup>73</sup> it was sufficient for them to know that he<sup>74</sup> had attended at the hustings and interfered in the election<sup>75</sup> to dismiss him from the office, and on that ground they were prepared to ask the House to support them.<sup>76</sup>

MR. H. SHERWOOD.--Well, supposing that Mr. Ferres happened to be a spectator, and he was attacked by a person speaking, had he no right to defend himself?<sup>77</sup>

MR. INSP. GEN. HINCKS.--He had no right to be there.<sup>78</sup>

MR. H. SHERWOOD.--He had a right to be there.<sup>79</sup> Things were surely come to a pretty pass, when a British subject was to be told that he was not to go near the hustings, nor to enjoy the eloquence of the learned Solicitor General, without being threatened with a dismissal from office, and a positive refusal to inquire into the truth of the attacks made against him.<sup>80</sup> This was

the most illiberal opinion that he (Mr. S.) ever heard from the very liberal Ministry which they now had. To tell him that a man had no right to go and listen to the speeches at a public meeting, and then if he was attacked he had no business to stand up and say that the charge against him was untrue, was monstrous<sup>81</sup>. He hoped that at least, one of his honble. friends opposite had not allowed himself to be contaminated by those barbarous doctrines enumerated by that hon. member, to whose breast alone, he hoped they were confined.<sup>82</sup>

M. PAPINEAU.--Les personnes mentionnées dans cette requête, se plaignent de ce qu'elles ont été en proie à l'injustice et elles en appellent à la seule autorité qui doit surveiller l'exercice du pouvoir. Que leurs plaintes soient bien ou mal fondées, ce n'est pas ce dont il s'agit à présent. Le temps n'est pas venu de dire si leurs destitutions ont été arbitraires ou non. Deux des hons. membres du cabinet, dans le cas de M. Ferres, sont bien inculpés et ils viennent aujourd'hui protester qu'ils n'ont pas dit ce qu'on prétend qu'ils ont dit. Mais de quel poids sont leur déclarations pour constater les délits de personnes contre lesquelles ils sont en lutte?

Nous devons toujours accepter les plaintes qui sont faites devant cette Chambre, qu'elles soient fondées ou non. Ce n'est qu'après un enquête que nous pouvons convaincre le pays que ses défenseurs comme représentants ont le désir de connaître la vérité et de ne se prononcer toujours qu'en pleine connaissance de cause. Ce n'est ni comme amis des ministres, ni comme ennemis de tous autres que nous devons agir. Nous devons dans l'exercice de nos fonctions aimer la justice pleine et entière pour tout le monde également. Malheureusement on ne suit pas toujours cette règle en cette chambre. Nous nous associons à tous les actes de l'exécutif; nous sommes dans sa dépendance; nous agissons en tout comme lui et par lui. Nous ôtons ainsi du public toute confiance dans le gouvernement, même responsable (sic).

C'est de tout temps que le Bas-Canada a été ainsi maltraité. Chaque fois que dans la vie publique quelques individus ont eu le courage de lutter contre le gouvernement, le courage de ne pas se montrer serviles à ses commandements arbitraires, des destitutions ont eu lieu. Les hons. membres qui se rendent aujourd'hui coupables de fautes de même nature étaient alors et toujours les premiers à joindre leur voix à la voix du pays pour se plaindre, parcequ'on n'avait pas donné aux parties destituées l'occasion de se défendre.

D'autres temps, d'autres maximes; et aujourd'hui ceux qui pendant leur vie entière ont indiqué comme règle de justice qu'on ne pouvait pas être condamné sans être entendu, pratiquent à présent sans rougir ce qu'ils avaient toujours cru devoir repousser. Le danger n'en est que plus grand avec le gouvernement prétendu responsable. Il faut être aussi soigneux de ne pas se trouver à agir en opposition avec les vues justes ou injustes des ministres, pour pouvoir conserver ses emplois, pour ne pas être repoussé comme ayant manqué à ses obligations dans les charges qu'on a occupé! Les hon. membres ont voulu faire une distinction entre le cas de M. Ferres, destituté innocemment jusqu'à présent parcequ'il n'a pas été entendu, et celui de M. Papineau.

Je crois moi que les deux cas sont pareils. Si les hon. membres ont eu droit de destituer ces deux personnes, ils doivent le faire voir, s'ils croient à la vérité des paroles qu'ils nous jettent avec une si grande apparence au moins de sûreté. Quant ils nous refusent d'accepter la requête

de ceux qu'ils disent avoir justement condamnés, ils se contredisent eux-mêmes; ils montrent qu'ils n'ont pas foi dans la vérité de leurs convictions. Un comité spécial sur cette affaire ne peut avoir pour le cabinet aucun effet pénible, s'il a agi constitutionnellement. Ce comité après enquête fera rapport à la Chambre qui décidera en dernier lieu, après avoir entendu les parties. (Interruption.)

On a prétendu établir une distinction et trouver que l'acte arbitraire contre M. Papineau a été bien fondé. La situation de M. Papineau qu'on ne s'y trompe pas a été la même que celle de M. Ferres. Il a été puni pour ses torts antérieurs, mais c'est sur des événements subséquents qu'il a été plus tard destitué sans qu'on dise pourquoi. On a dit que c'est qu'il avait pris sur lui de renvoyer plusieurs actions des commissaires d'écoles. Mais peut-on dire que les raisons pour lesquelles il l'a fait ne sont pas fondées? On n'oserait pas le dire. Ces jugements étaient fondés en trois points. Les commissaires avaient droit d'agir comme juges, de paix. Et comme tels ils ne pouvaient pas donner d'autre décision que celle qu'ils ont donnée.

L'hon. procureur-général, et je dirai que dans toute cette affaire l'intérêt personnel a été pour lui de toute importance, sans que la procédure sur laquelle il s'est appuyé pour ordonner une destitution aussi arbitraire soit connue, fait le procès de cet individu, puis vient nous dire qu'il a justement perdu sa place de commissaire et de juge de paix. Et cela dans quelles circonstances? Lorsque la paroisse presque entière dit que cet homme qui a rendu plus de cent jugements n'a pas eu un seul de ses jugements de révoqué comme mal jugé; lorsque cet homme est regardé dans la paroisse entière comme le seul capable de remplir ces charges.

Quelle a été la conduite de M. Papineau. Il dit, je ne tiens pas à ces charges; je tiens à n'être pas placé et déplacé, selon qu'il plaira aux caprices de celui-ci ou de celui-là, selon que j'aurai été plus ou moins aveugle à obéir à tous les ordres qui pourront m'être donnés.

Dès le moment où des sujets se plaignent de destitutions injustes, c'est ici leur recours naturel et constitutionnel, et l'enquête, lorsqu'ils en demandent une doit toujours être accordée. La refuser, comme on le fait ce soir dès le début, est un nouvel acte de persécution. En refusant cette enquête nous nous associons à l'exercice du pouvoir arbitraire, comme si nous étions ici uniquement pour prêter la main à l'injustice. Il est bien possible que le résultat de l'enquête que l'on demande prouve que les destitutions dont il s'agit sont bien fondées. Si elles le sont, à la bonne heure, mais que du moins il doit consacré en principe qu'on ne doit condamner personne, sans lui donner la juste occasion de se défendre.

L'hon. procureur-général a fait allusion au fait qu'il avait été soutenu dans sa décision par nombre de personnes de l'endroit. Or, par qui a-t-il été soutenu? Par une trentaine d'individus à qui seul il croit donner des emplois. N'étant pas maître des faits d'après la production qui a été promise, et je ne vois pas pourquoi on tarde tant à mettre sous nos yeux les rapports qui ont eu lieu entre M. Papineau et l'exécutif, je ne puis pas rentrer à fond dans des considérations qui tendront à établir qu'il n'y a aucune excuse à cette destitution, qu'elle est fondée sur des allégués faux, controuvés. Au moins est-il juste que l'occasion soit donnée à l'hon. procureur-général de se justifier comme à M. Papineau de se défendre.

Il y a deux parties dont l'une est accusée et dont l'autre est accusateur.



Nous sommes les juges du procès, et pour pouvoir en venir à une décision correcte, nous devons entendre les uns et les autres; c'est en agissant ainsi avec prudence et justice que nous pourrions empêcher le renouvellement des abus.

On dit, ce n'est pas un si grand désavantage pour un homme à la campagne d'être arraché à l'exercice de ses fonctions de juge à paix ou de commissaire. Ce ne sont pas celles qui donnent le plus d'avantages pécuniaires. Mais ce n'est pas non plus, il faut le croire, pour se faire plaisir à eux-mêmes ou pour vous faire plaisir à vous que l'on accepte ces charges. C'est pour satisfaire à l'obligation où est chaque citoyen de participer selon ses moyens et ses talents à l'administration de la justice et de contribuer au service public; cela ne doit pas les enchaîner à approuver la politique des hommes du pouvoir, qu'ils la croient bonne ou mauvais (sic).

Si on a quelques reproches à leur faire, il faut non seulement le dire, mais on est tenu en honneur et en loi, et la Chambre, si elle n'est pas trop complaisante, si elle se respecte, si elle a quelque désir de se maintenir dans ses droits, doit l'exiger, afin de prouver que ces reproches sont fondés, que les destitutions qui ont eu lieu étaient justes; autrement c'est la société qui souffre, non pas les hommes qui ont été reconnus par une paroisse toute entière, et confirmés par le fait seul que sur six cents jugements qu'il a rendus aucun n'a soulevé de plaintes. Cela est beaucoup en faveur de l'accusé.

Néanmoins nos ministres prétendent que ses décisions contre certains commissaires n'étaient pas motivées. Ils peuvent avoir raison. Mais pourquoi refuser une enquête sur des faits si certains? Le secret et le mystère dans le gouvernement ne saurait s'excuser, et le refus d'écouter les plaintes de ses sujets est pour lui une faute fondamentale dans quelque occasion que ce soit. Les hon. membres ont beaucoup trop souvent dans cette session objecté à des enquêtes dans lesquelles se trouvaient intéressés des citoyens respectables. Le ministère pourtant ne paraît n'avoir rien à craindre de comités comme celui qu'on demande. Ils se composent de personnes d'opinions différentes, mais avec une majorité comme celle du cabinet, et une Chambre comme celle-ci, il est toujours certain d'y voir ses partisans y exercer l'ascendance. Il y a contradiction manifeste chez l'administration qui se donne le titre de libérale, et qui refuse de se prêter ainsi au vœu si juste de citoyens qui se croient lésés dans leurs droits. Un gouvernement qui empêche une enquête, quand il y a contre lui quelque plainte de soulevée, est nécessairement un gouvernement injuste, arbitraire.<sup>83</sup>

MR. BADGLEY first referred to the case of Mr. Papineau, and read the grounds on which Mr. Papineau had come to the decision he had done, on giving that decision; it was correct and according to the grounds he had adduced, and thought he was perfectly justified in coming forward to ask a committee of enquiry. Respecting Mr. Ferres, he did not think that any sufficient reason had been brought forward against granting the committee sought for.<sup>84</sup> It appeared to him to have been a premature, hasty, and ill-considered step, upon the part of the government, to dismiss him in the manner in which they had done. It might be possible that Mr. Ferres' conduct justified the steps which the Government took; but there was no ground before them upon which they could discuss him. It had been said that Mr. Ferres confessed the facts, but it did not appear that he had; and now it was adduced that he had not interfered with the election, at least before the

nomination day, as had been stated, it had been stated, that he had canvassed the County of Missisquoi<sup>85</sup> in his (Mr. Badgley's) interest.<sup>86</sup> He (Mr. B.) had travelled in that County for six weeks before the election, and never met Mr. Ferres there<sup>87</sup> with one exception, when he was referred to him for guidance through a part of the County unknown to him<sup>88</sup> and he never knew that he had canvassed the County; but that was not the question; Mr. Ferres was dismissed for appearing on the hustings at Shefford<sup>89</sup> during a contested election,<sup>90</sup> that was not sufficient ground for to dismiss him, unless he was first called upon to state what reason he had for his conduct. He might have shown sufficient reasons to justify his conduct; but he was dismissed without being allowed an opportunity of defending himself.<sup>91</sup> He as well as Mr. Papineau had been dismissed in a summary manner<sup>92</sup>. It was a step which he (Mr. B.) never expected would have proceeded from such a liberal Ministry as they now had. He hoped the motion would be allowed to pass.<sup>93</sup>

COL. GUGY said, it was right and fitting that the House should act justly and it was necessary that the Ministry should be of that opinion,<sup>94</sup> but in the present instance the supporters of the Government had left the Ministry to do their own battle, as no one of those supporters had come forward to say anything in their defence.<sup>95</sup> The question before the House was, an application, in the shape of an appeal, against the Ministry; it was, in other words, a complaint against the Ministry, and it ought, therefore, to be dealt with in a proper and dispassionate manner. If public notoriety was assigned as a reason for their proceedings, the same notoriety furnished some other facts; it said that the familiar of the Inspector-General got the office of which Mr. Ferres was deprived, and the presumption was, that he was dismissed in order that this person might get it. It was also notorious that the Revenue-Inspector for the District of Three Rivers interfered in the election there, and he should like to know why he had not been deprived of office?<sup>96</sup> (Here the Ministerial benches began to look empty, as member after member left his seat till there were none left but Messrs. Baldwin (asleep), Viger, Papineau and Fournier.)<sup>97</sup> The hon. member then proceeded to comment on the empty appearance of the benches opposite<sup>98</sup>. Mr. Guky thought that if the Government had any regard for their reputation they would grant the committee. The hon. gentleman then went on for sometime alluding to the empty benches, remarking that the Government seemed to have the majority, and the friends on his side of the House had reason, but it seemed as if they did not intend to reason, but only to determine, and perhaps the country would be satisfied that the seats should represent them without the members. Mr. Guky had no doubt the benches would be filled as soon as he concluded<sup>99</sup>.

Col. Guky having sat down, the Ministerial members flocked into the House, amidst loud laughter from the opposition benches.<sup>100</sup>

DR. LATERRIERE made some remarks in favor of the motion.<sup>101</sup> Quelle est la question devant cette chambre? Il y a un accusateur et des accusés en présence. Comment doit être considérée cette chambre? Cette chambre certainement doit être considérée comme le tribunal qui doit décider entre l'accusateur et l'accusé; autrement que serait-ce que le gouvernement responsable? C'est là, je crois, la base fondamentale de ce qu'on est convenu d'appeler gouvernement responsable. Tant pis pour l'accusateur si les accusations sont

mal fondées; toujours il est du devoir de cette chambre de s'occuper de pareilles matières. Le droit de pétitionner est tellement sacré que ce serait manquer à son devoir si cette chambre repoussait l'accusé sans s'enquérir si sa plainte est bien fondée. Cette chambre donne ses pouvoirs à un cabinet, puisqu'elle ne peut être en permanence; mais du moment que nous sommes en session, n'est-il pas de notre devoir de voir si les actes du ministère rencontrent notre approbation? Si ses actes recontrent l'approbation de la chambre, le cabinet doit être maintenu, approuvé; si, au contraire ses actes sont contraires aux vœux de la chambre, celle-ci doit manifester sa désapprobation par un vote de non-confiance qui met fin à l'existence du cabinet. Voilà le gouvernement responsable. Eh! bien, d'après ces principes, je crois que nous ne pourrions pas sans une enquête refuser cette pétition. Il est de notre devoir de nous en occuper. Qu'elle soit renvoyée à un comité et que cette chambre juge entre l'accusé et l'accusateur.<sup>102</sup>

MR. AT. GEN. BALDWIN would not take up much time after the long discussion which had taken place upon the question on a former occasion. Hon. gentlemen<sup>103</sup> opposite<sup>104</sup> were quite right in saying, that the Government must be prepared for the approval or disapprobation of the House,--the Government was ready to stand or fall by the decision of the House, and that was the reason that the reference to a Committee was opposed.<sup>105</sup> Hon. gentlemen seemed to take it as a matter of course that committees should be granted whenever they were asked for.<sup>106</sup> If the motion was allowed, and every other motion for a reference to a Select Committee was allowed,<sup>107</sup> what would be the result of granting special committees in this matter of course manner<sup>108</sup>. Instead of the Government being tried by the House, it would be obliged to run about and defend itself before a set of Special Committees, which would occupy all its time, and prevent it from carrying on the Government; every Government must stand or fall by the decision of the House and they were prepared to do so.<sup>109</sup> He held that the proceedings of the House were sufficient in the case, and if it was wished to try a vote of want of confidence, the hon. member for Gaspé should at once make such a motion and take the sense of the House on it.<sup>110</sup> They asked for a Committee when they wanted to ascertain facts, they never appointed Committees for the purpose of giving opinions;<sup>111</sup> the House was the place for such an opinion and not a committee<sup>112</sup>. They did not need a Committee in this case, because they had the facts before them. It was well known that Mr. Ferres had interfered in the election, and that was all the facts they required.<sup>113</sup> This was the point they had to judge upon.<sup>114</sup> What did it matter what kind of speech either Mr. Drummond or Mr. Ferres made? The plain fact was, and it was not denied by Mr. Ferres or by any one, that he was on the hustings. Mr. Ferres had an office in the Government during pleasure, and Mr. Ferres interfered in elections, which he had no right or business to do, and he was, therefore, dismissed. Hon. gentlemen have referred to other offices having part in elections--very possible that such was the case--if the Government had been desirous of turning officers out, they might have turned out many officers, but they had contented themselves with only dismissing one, which was enough to establish the principle that Government officers had no right to interfere in elections. Then, with regard to the reference to the Inspector-General having taken part in elections, and to the argument, that if it was right for him to do so, it was right for Mr. Ferres. It was well known that Mr. Hincks was the head of a Department, that he was a political officer, whose duty



it was to interfere in the policies of the country, while the office held by Mr. Ferres was not a political one, but one, the holding of which, prohibited his interfering in policy.<sup>115</sup> His position was, therefore, altogether different<sup>116</sup>. In dismissing Mr. Ferres, the Government had acted in the faithful performance of a painful duty, and he was confident that the House would justify their conduct<sup>117</sup> and vote against the granting of a special committee.<sup>118</sup> The facts were before the House, and the House was just as competent to try the matter then, as it would be after it had been referred to a Committee and reported on.<sup>119</sup>

MR. CHRISTIE was surprised at the doctrines advanced by the hon. members opposite<sup>120</sup> that they were the majority, and because they were so, they were determined to carry through whatever they thought proper, whether their conduct was right or wrong.<sup>121</sup> They appeared to have committed an act of tyranny, and now when the party aggrieved came to that House to complain of it, even they refused to allow an investigation to take place into the case. What was the case? The case was this:--Mr. Ferres was dismissed, and upon public notoriety, without the assigning of any facts for his dismissal. It was said that there was no need for a Committee--everything was admitted; but they saw that the parties were directly at issue about the facts. The Solicitor-General has stated that he said nothing offensive to Mr. Ferres, but every body thought that Mr. Ferres got up in consequence of the attack made upon him. One said that he said nothing personal, another said that he threatened that he would take his office from him.<sup>122</sup> The hon. Solicitor-General East, had an advantage over Mr. Ferres by having a seat in the House.<sup>124</sup> If the doctrine of the learned Attorney-General were carried out, there would be no method of arriving at the truth; there were certain facts alleged on both sides, and who could investigate into the truth of them, but a Committee of the House.<sup>124</sup> He did not think that would at all interfere with the Government<sup>125</sup>. The Committee, although it investigated into the facts, would not decide upon it, but would leave the House to do that<sup>126</sup> on the evidence which would be submitted to them.<sup>127</sup> If he was on the Committee, he would report the evidence without giving any opinion whatever upon it. This was an appeal to the House against the Ministry, and the House ought to entertain it in a fair manner.<sup>128</sup> Because the Government had a majority, he hoped they would not shut a man out from endeavouring to prove himself innocent of the charges which had been brought against him. It was surely not in accordance with the principles of Responsible Government to refuse the request which had been made. If such was the way in which ministers intended to carry out their principles of responsibility, he could only say God preserve him from such responsibility.<sup>129</sup>

MR. SOL. GEN. DRUMMOND entirely concurred in what had fallen from the Attorney General West, as to the question not being what Mr. Ferres had said, or what he had said. The question before the House was, whether Mr. Ferres did or did not interfere at the election for the County of Shefford<sup>130</sup>. Throughout the whole correspondence had Mr. Ferres dared to deny that fact? Did he dare to deny it to-day? Having had the hardihood to assert that he (Mr. D.) made a statement that he had never made--would he add to his effrontery, the assertion that he did not interfere at that election? He had not dared to do it throughout his correspondence, he did not dare to do it to-day.<sup>131</sup>

SIR A. MACNAB.--Give him an opportunity.<sup>132</sup>

MR. SOL. GEN. DRUMMOND ((continued:)) Mr. Ferres did then interfere in the election, and having interfered in the election, it was the duty of the Government to turn him out. He (Mr. D.) was unwilling to take up the time of the House with personal matters, but an assertion had been made concerning him, whilst he was absent attending to his duties in another quarter--much stronger than had been made to-night, he felt called upon, therefore, to explain what really occurred at the election.<sup>133</sup>

From MR. CHRISTIE, what did you say about the Governor-General?<sup>134</sup>

MR. SOL. GEN. DRUMMOND.--The only reference he made to the Governor-General was, he said, Mr. D. alluded to the dissolution of Parliament, in consequence of the ex-Ministry not having sufficient power to carry on the Government, and he then referred to the Governor-General, merely to express his firm conviction that he would carry out the principles of Responsible Government as they had been interpreted by a late lamented nobleman.<sup>135</sup>

From MR. CHRISTIE, was there any allusion made to the Clergy.<sup>136</sup>

MR. SOL. GEN. DRUMMOND.--He (Mr. D.) referred to the motion made for an Address to His Excellency, praying him to authorize the Clergy Reserves being placed in the hands of the Clergy. This motion was made by a member of the late Ministry, and he merely referred to the Ministry's supporting a motion to take the management of the lands out of the hands of Government, who manage them to the satisfaction of the Province generally, and placing them in the power of the Clergy, who might not be so willing to dispose of them to the people as the Government might be.<sup>137</sup> The hon. member then repeated in substance the explanation he had given relative to what took place on the hustings; but that was not the only occasion on which Mr. Ferres interfered. He (Mr. D.) had met Mr. Ferres at a meeting at the Quaker Settlement, and discussed with him political topics from six o'clock in the evening until midnight, and on that occasion, Mr. Ferres himself stated that he did not believe that even if he (Mr. D.) came into office, he would dismiss him from his interference in the election<sup>138</sup>. It had also been said that he (Mr. D.) assailed Mr. Ferres, all he said in reference to him was he (Mr. D.) was speaking about the objections which he supposed might be made against him in consequence of his being a non-resident; he admitted that the argument of non-residence might come with good grace from the people before him, but that it would not come with very good grace from his friend Mr. Ferres, who had been for the three previous weeks engaged canvassing in favor of a non-resident in the County of Missisquoi. He did not mean to say that he knew that Mr. Ferres had canvassed, but every person said so; and the very first sentence which fell from Mr. Ferres, when he did speak, showed that he intended to address the meeting, whether he (Mr. D.) referred to him or not. Mr. Ferres said that if he had not been spoken to he might not have spoken; yet he might have spoken, whether he (Mr. D.) had alluded to him or not; and when Mr. Ferres did speak, he did not confine himself to answering him; he talked all about the policies of the day. Mr. Ferres spoke at several meetings, and at Milton he appeared at the poll. Although he had done all this, he (Mr. D.) would never have uttered a single word against him, as he (Mr. D.) considered that Mr. Ferres had done him service; but he was pressed by his constituents to make a complaint against him many of whom Mr. Ferres openly insulted. In the Township of Milton he<sup>139</sup> grossly insulted

the French Canadian electors there, calling them perjurers, and belonging to a nation of perjurers.<sup>140</sup>--(Hear, hear.)--He (Mr. Drummond) never intended to get Mr. Ferres dismissed from office; he could not, because at that time, he did not know who the Ministry would be and he could not, therefore, speak about what they might do.<sup>141</sup> He (Mr. D.) would not have made any complaints against Mr. Ferres, against whom he entertained not the slightest ill feeling, but the electors of his county felt seriously aggrieved and had requested him to bring the matter under the attention of the Government.<sup>142</sup> He (Mr. D.) did not like being uncourteous, but, he must say, that he would be sorry to bring the names of the<sup>143</sup> more than 300<sup>144</sup> high-minded and gracious persons who supported him in comparison with those of the person whose names were attached to the certificates given in favor of Mr. Ferres<sup>145</sup>. But he did not choose to bring forward the names of his respectable constituents along side of those who had signed the statement of Mr. Ferres; he did not mean to say that none of those gentlemen were respectable, but he asserted that there were gentlemen there who were neither very respectable nor very intelligent. In the part he had taken in this case he had merely been performing a duty he owed to his country. Those who knew what his (Mr. D.'s) opinions were with regard to office knew that he was entirely opposed to the system pursued in the United States of changing all the subordinate officers on a change of Ministry, and he was astonished to find (sic) that the hon. member for St. Maurice, who so much admired the institutions of the United States, should to-day turn round and want to brand the Ministry with neglect of duty towards the country, and injustice for dismissing a man who had been known to interfere in elections, when in the United States every man who professed different opinions from the Government was obliged to go on. Mr. Ferres' interference was a matter of public notoriety, it could not be denied, and having interfered the rule laid down by Earl Grey in a recent despatch of Sir John Harvey must be applied, and he had nothing to complain of but his conduct. The hon. member concluded by reading a passage from the despatch relating to office holders of which the following is a part: "but those persons must be aware that the conditions upon which they will be suffered to enjoy exemption from dismissal for any other cause, but that of positive misconduct, will be that they shall abstain from taking active part in political contests, such is the well understood rule in this country, and I am of opinion that a similar rule should be enforced in Nova Scotia."<sup>146</sup>

SIR A. MACNAB.--The subject before the house had occupied the attention of the public of the Province for some months past, and he believed the merits of this case, so far as newspaper discussion could give them, to the public, were pretty well understood throughout the whole Province, and he thought it rather extraordinary, under all the circumstances when there were several members of the Government in the House, that the hon. Solicitor General on whose accusations Mr. Ferres had been dismissed from office, should feel it necessary to take the matter out of the hands of the Government and stand up here and explain his own case. It was well known that Mr. Ferres was a landholder in that part of the country. There was no law of the land to prevent a man going to the hustings. It was also very well known throughout the Province, that Mr. Ferres, in the exercise of his right, attended at the hustings, and that the learned Solicitor General made, on three occasions, personal attacks on Mr. Ferres, before he even opened his mouth.<sup>147</sup>



MR. SOL. GEN. DRUMMOND.--I've told you what it was<sup>148</sup> I said about him.<sup>149</sup>

SIR A. MACNAB ((continued:)) The hon. member had told him what it was, but on the other hand, he had a certificate supporting Mr. Ferres' assertion, and corroborating his statement, signed by men, who, he (Sir Allan) believed to be men of<sup>150</sup> high character and respectability,<sup>151</sup> from their position in society.--(The hon. and gallant Knight then read a certificate signed by a number of gentlemen who were on the hustings at the Shefford Election, which has already appeared in the public papers.)<sup>152</sup> The hon. member said that he could have brought forward contrary evidence, but that he would not disgrace his constituents by getting them to come forward, because that the persons who signed the certificates were not of the most respectable character. He (Sir A.) believed that all of them were highly respectable persons<sup>153</sup>. He felt more that if the question was laid before an independent and disinterested jury, they would decide that the weight of evidence was against the Solicitor-General, and that Mr. Ferres had been most improperly dismissed.<sup>154</sup> He also believed that Mr. Ferres was a highly respectable person, and exercised a very great influence in the County, and that was the reason for dismissing him.<sup>155</sup> What had been the conduct of the hon. Solicitor General in this matter? After defeating Mr. Ferres and returning to Montreal, one would have imagined he would have pursued the same course as was pursued by his hon. friend from Huron. His hon. friend had been opposed in the Huron District by Mr. Galt, an officer of the Customs. He was triumphant, and returned to Montreal.<sup>156</sup> It was well known that Mr. Galt ... took part against him, but ... did he do any thing to Mr. Galt?<sup>157</sup> Did he condescend to deprive that gentleman of his bread, and turn him from his office? No, he felt he would much better consult the honour of the Government, and his own reputation as a gentleman by doing no such thing. But what course did the hon. Solicitor General pursue? The moment he had carried his election he came to Montreal, was installed in his office as Solicitor General, and dismissed Mr. Ferres.<sup>158</sup>

MR. SOL. GEN. DRUMMOND.--I was not installed in office until nearly four months after.<sup>159</sup>

SIR A. MACNAB.--Well, at all events, he had induced the Inspector General to exercise an authority which he seemed to think he possessed, to dismiss Mr. Ferres. And who had they put in his place? The hon. member for Oxford was then about leaving the editorial chair of the Pilot; he was anxious to provide for his deputy; Mr. Ferres was put out, and the sub-editor of the Pilot was put in.<sup>160</sup>

MR. INSP. GEN. HINCKS.--The person who got the office had nothing to do with the Pilot for<sup>161</sup> I believe<sup>162</sup> two years previous to that time.<sup>163</sup>

SIR A. MACNAB understood also that the man who had got the place was also on the hustings at the Shefford election.<sup>164</sup>

MR. INSP. GEN. HINCKS.--Certainly.<sup>165</sup>

SIR A. MACNAB.--Other Revenue Officers who acted in the same way as Mr. Ferres had not been dismissed; the Revenue Officer for Three Rivers actually voted, but then he voted for the ministerial candidate--(No, no.)<sup>166</sup> Would it not have been far better for the Government to have written circulars to all Revenue Officers, telling them that it was wrong to interfere in

elections, and warning them that they would be dismissed from office, if they did not, and then none of them would, probably, have interfered? but why should they punish one of them for doing a thing which he could not know to be wrong, because the law did not say anything against Revenue-Officers. And was it reasonable, was it fair<sup>167</sup>, was it manly<sup>168</sup> to attack a person,<sup>169</sup> before his friends and neighbours<sup>170</sup>, who dare not defend himself? No; and was it fair in the Solicitor-General to complain of Mr. Ferres' having defended himself, after he had attacked him--No.<sup>171</sup>

MR. SOL. GEN. DRUMMOND.--I did not.<sup>172</sup>

SIR A. MACNAB.--The hon. gentleman said he did not, he (Sir Allan) would not contradict him, but he would tell him there was a Minister of the Church of England, a member of the Legislative Council, and an officer of rank in the militia who all said he had attacked Mr. F. The hon. gentlemen opposite said they were prepared to stand or fall by the vote of the House, but how was that vote to be arrived at? On the bare assertion of the hon. Solicitor General!<sup>173</sup> They had done Mr. Ferres injustice, and they now refuse an enquiry, because they were afraid that it would be shown that Mr. Ferres had been unjustly dismissed<sup>174</sup>. If a Committee was appointed, witnesses could be examined and the House put in a position to arrive at a just conclusion. He felt satisfied the country never could, nor ever would approve of such an act as Mr. Ferres' dismissal. He should be told it was Responsible Government all he could say, was, it was a Government from which every honest man must recoil; the House had no evidence before it but the speech of the Solicitor General. He thought it would be satisfactory to the country, that this matter should be enquired into--the country has and is to understand the merits of the case, but there was a majority in the House who he would not say would stifle inquiry, but they had power and they would probably refuse the Committee and keep the facts of the case from going before the country, where he believed there would be a very different verdict from that given by the House, on the conduct of the Ministry in dismissing Mr. Ferres.<sup>175</sup>

MR. SOL. GEN. BLAKE said that after all the asperities that they had gone through lately, he could not let slip such a golden opportunity of congratulating them on their recent change of opinion, and manner. Even the hon. member for Gaspé was smitten with such a love for Treasury Benches, that he unhesitatingly pointed out the exact course which honorable gentlemen on the Treasury Benches ought to pursue in order to preserve their stability. Now this was something exceedingly striking, and he would confess astonishing, and more particularly when he heard the hon. member for St. Maurice use almost exactly the language on ... member for Gaspé of what took place in 1845 and 1846. There he saw the hon. member for St. Maurice courted with as much assiduity as a bride from a distant country, and when he saw him after being sought for with as much pertinacity, and the noble bridegroom on his knees in adoration, the whole country was fragrant with hope, and his own bosom beat with anxious desires to see the mongrel offspring of such an extraordinary alliance. But lo! The bride had allured, and the hon. member for Hamilton, neglecting the old chivalrous mode of gaining a bride, had thrown himself on his knees.<sup>176</sup>

SIR A. MACNAB rose and begged to inform the hon. Solicitor General that

he had never had any communication with the hon. member for St. Maurice, either personally or through a third party,<sup>177</sup> by word or letter.<sup>178</sup>

MR. SOL. GEN. BLAKE had not the slightest doubt that the hon. member's statement was perfectly correct, for it should be remembered that royal alliances were seldom completed without the intervention of other parties.<sup>179</sup>

SIR A. MACNAB reiterated his former statements, and in addition said he had never even by means of a third party held any communication with the hon. member for St. Maurice, and in fact he never held any communication with that hon. gentleman until he took his seat in that House.<sup>180</sup>

MR. SOL. GEN. BLAKE continued--it was a reality making but a little love story, perhaps better suited to the Nursery than to the House of Parliament, but there was really no occasion for the hon. member to assume so much gravity in giving his explanation, without which it was very possible it would have been concluded; but if the Hon. Gentleman threw off the responsibility which attached to the hand of the body politic, he could not shift it from some hon. gentleman on the other side who had certainly and undoubtedly carried on the negotiations and succeeded in bringing the bride home; and after he was brought home he informed them kindly that there was only one country in the world fit for free institutions, and that he was the only man who was capable of drawing out a constitution for that favored country. When he heard the hon. gentleman speaking in that manner, he at once understood the meaning of the courting to which he had alluded, for when the flirtation was going on in 1846, hon. gentlemen were in the ministry, and they, doubtless, were anxious to obtain the assistance of their hon. friend; but it unfortunately happened that the hon. gentleman had had far more experience in obstructions than in carrying on the business of administration; now, a fresh bond of alliance had been formed, and the hon. gentleman had, no doubt, taught them every art and trick of clogging the wheels of Government. He might very possibly be wrong; but, if so, he was entirely at a loss to account for the extraordinary similarity in their opinion, and even language. It appeared that, besides the hatred of the hon. member for Gaspé for all tyranny, and which induced him at first to include (sic) the name of Mr. Papineau in his motion, there was another reason for the extreme anxiety they exhibited to obtain this committee, and at first view he had, indeed, been of opinion with those hon. gentlemen, and he would tell them what, in his opinion, was only required to give the Government that stability which was, no doubt, very much required. They require the knack of laying their hand without any feelings of compunction to the most corrupt proceedings. They wanted the knack of turning out of doors without remorse the hordes of office holders who had been appointed by the one party that held the reins of Government during the last fifty years.--They wanted the knack of violating every honourable and British feeling, and of acting in a manner which would only make the whole Province hold them in abhorrence.--Now, the question was simply that the Government had dismissed an officer who held his office during pleasure, and if the House was of opinion that the Executive had acted improperly, they merely had to affirm that fact by their votes, and he and his hon. friends were ready to vacate their seats<sup>181</sup>. It was a mere question of confidence or no confidence.<sup>182</sup> But, if they passed such a vote, it would be remembered that it would be directly in opposition to the doctrine laid down by the hon. member for St. Maurice, who objected most decidedly to every petty



appointment being the subject of discussion by special committee, and in that case the vote of the country would never be done<sup>183</sup>. To refer it to a Special Committee was irregular, and it was never done in England in similar cases; the idea was unconstitutional and unheard of.<sup>184</sup> But he would go farther, and say, that he would defy any one to bring a single instance of a special committee being granted by the British House of Commons, to enquire into the dismissal of a customs house officer.<sup>185</sup> In the case of the Duke of York and Warren Hastings, Mr. Pitt entirely set his face against similar resolutions.<sup>186</sup>

COL. PRINCE denied that Mr. Pitt had ever stifled an inquiry of the kind under question. Though he, Col. P., had been bred in the principles of Fox, he was an admirer of Pitt. With reference to the hon. member for St. Maurice, he thought he was honest, and that was more than he could say for the present Ministry; and the small minority on their side of the House were always thankful for the smallest favours. They were always thankful for the support of honest men, and if there was an honest man on that side of the House, it was the hon. member for St. Maurice. It was a mistake though to say he was always wedded to them, for he sometimes voted with the majority, and he did so on the question of the Rebellion Losses--a question, of all others, on which they would have wished him to have voted differently on the most important question which has been discussed in the House<sup>187</sup>. He found great fault with French members for setting their backs against the hon. member for St. Maurice, and he had written a letter some time since from his quiet home in the West to the hon. member for Montmorenci, asking him why he and the other young Frenchmen did not immortalise themselves by joining that hon. member for the purpose of obtaining that repeal of the Union that he was so anxious to obtain.<sup>188</sup> It was agreed on all hands that Mr. Ferres had been dismissed, and he thought the case deserved inquiry. To dismiss an officer who merely addressed the electors in Mr. Ferres' circumstances, he being an owner of property in the next county, he (Col. P.) thought it a most un-British and monstrous doctrine.<sup>189</sup>

SIR A. MACNAB again interrupted the hon. Solicitor General, and said that he wished, as this matter had been alluded to, to put it right before the country, because a report had been industriously propagated throughout Upper Canada, with no other apparent view than to injure him in the estimation of his friends, that he Sir Allan had endeavoured to form a coalition with the hon. member for St. Maurice; he, therefore, took this opportunity of stating before the country, and in presence and hearing of the House and the hon. member for St. Maurice, that he never met the hon. member for St. Maurice but once at a private party eighteen years ago, till he met him in that House last Session; that he never had any conversation with the hon. and learned gentleman on political matters in his life, either personally or through the intervention of a third party; and as to his endeavouring to form a bridal alliance with the hon. member, it might go for what it was worth, but this much he would say, that while it suited the views of the hon. Solicitor General opposite to make the charge, the fact of his having perpetrated the marriage with the tail of the party of which the hon. member for St. Maurice was the head, stared them in the face, let the Sol. General look to either side and he would find the sidlers and abettors and followers of Mr. Papineau who had now deserted him because it was their interest to do so.<sup>190</sup>

MR. PAPINEAU entirely repudiated the doctrine of the alliance, the hon. gentleman (the Sol. Gen. West) had chosen to attribute to him. He (Mr. P.) examined the justice of each question, and always voted in the manner he thought right.<sup>191</sup>

MR. INSP. GEN. HINCKS said that various attempts had been made to draw the minds of hon. gentlemen from the only subject under discussion, when they alleged that it was necessary to enquire into certain facts.<sup>192</sup> There was no dispute with regard to the facts.<sup>193</sup> The only question to be determined was whether Mr. Ferres was or was not on the hustings, and that had been at once set at right by his admission of the fact himself, and also that he did address the electors, that was the only question with which the Government and the House had to deal, and he contended that it was of no importance to know whether he had been attacked or not by Mr. Drummond. Although a great deal had been said about several other cases, yet some were laid before<sup>194</sup> the notice of the Government<sup>195</sup> as that had been by a member of Parliament, and confirmed by public notoriety--how the charges had been rung on that word. He wondered that hon. members who were constantly in the habit of repeating it did not blush as they did so; for, did they not dismiss the hon. member for Russell from his situation as Crown Land Agent on public notoriety without even communicating with him by letter.<sup>196</sup> The Government could not go up and down the country to look for cases of that kind. Had any of the cases mentioned been brought before the Government, the officers would have been dismissed. The course pursued by the Government was the only one by which they could avoid following the American system. The press had come out strongly in Mr. Ferres' Case--but it had admitted that the principle of not allowing Revenue Officers to interfere in Elections was good; and he called on hon. gentlemen to unite in supporting the Government.<sup>197</sup>

DR. DAVIGNON objected to the sense of the House being lost in longer discussing that question.<sup>198</sup>

(124)

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Papineau, Prince, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(18.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, John, Attorney General LaFontaine, Laterrière, Marquis, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, and Wetenhall.--(43.)*

*So it passed in the Negative.*

Leave of  
absence.

Ordered, That Mr. Watts have leave to absent himself  
from this House, for one week, on urgent private  
business.

Ordered, That Mr. Lyon have leave to absent himself from this House, for eight days, on account of sickness in his family.

Ordered, That Mr. Wilson have leave to absent himself from this House, during the present week, on account of urgent private business.

Ordered, That Mr. Brooks have leave to absent himself from this House, for a fortnight, on account of urgent private business.

Ordered, That Mr. Laurin have leave to absent himself from this House, during the present week, on account of sickness in his family.

Message from  
His Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency the Governor General, signed by

His Excellency.

And the said Message was read by Mr. Speaker, all the members of the House being uncovered; and is as followeth:--

ELGIN AND KINCARDINE.

Immigration and  
Public Works.

The Governor General transmits, for the information of the Legislative Assembly, the accompanying Copy of Correspondence with Her Majesty's Secretary of State

for the Colonies on the subject of Immigration and Public Works.

Government House,

Montreal, 5th March, 1849.

Appendix  
(E. E. E.)

For the Documents accompanying the said Message, see Appendix (E. E. E.)

Ordered, That five hundred copies of the said Message and Documents be printed, in each of the English and French Languages, for the use of the Members of this House.

Dr. Rees.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 26th ultimo, praying that His Excellency would be pleased to cause to be laid before them, copies of all correspondence between the Commissioners of the Temporary Lunatic Asylum and the Government, during the Medical Superintendence of Dr. Rees, and between him and the Government, and him and the Commissioners, in possession of the Government, and all other documents relating to the appointment and dismissal of Dr. Rees.

Appendix  
(F. F. F.)

For the said Return, see Appendix (F. F. F.)

(125)

Thirteenth  
Report of Com-  
mittee on Stand-  
ing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Robert Hamilton and others, of the District of Niagara, praying to be incorporated as the Queenston Suspension Bridge Company, and find that the requisite notices have not been given.



The Petitions of the City Council of Hamilton, and of John Young and others, do not, in the opinion of Your Committee, require a notice.

On motion of the Honorable Mr. Laterrière, seconded by Mr. Christie,  
School of Navigation. Resolved, That a Message be sent to the Legislative Council, praying their Honors will permit the Honorable William Walker, one of their Members, to attend the Select Committee appointed to enquire into the expediency of establishing a Provincial School of Navigation at Quebec, on Thursday next, at eleven o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That the Honorable Mr. Laterrière do carry the said Message to the Legislative Council.

Bill to abolish imprisonment for Debt. Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to abolish Imprisonment for Debt, and for the punishment of fraudulent debtors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Bell, seconded by Mr. Hall,

Protestant Clergy (U. C.). Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, a Statement shewing,--1st. The quantity and estimated value of Lands originally set apart for the support of a Protestant Clergy in Upper Canada; 2nd. The quantity sold, the price, the amount paid, and amount still due, and the amount of monies invested; 3rd. The quantity and estimated value of that set apart for the endowment of the fifty-seven Rectories; 4th. The quantity under lease, the terms of such leases, the amount collected for rents, and the amount still due; 5th. The quantity of Land still undisposed of by sale or lease; 6th. The amount of receipts from sales and leases, the manner in which it has been disposed of, the expense of management, and the net proceeds now available.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Debates of the House. Mr. Armstrong moved, seconded by Mr. Notman, and the Question being put, That this House do now resolve itself into a Committee to consider the propriety of adopting a Standing Rule fixing the time during which each Member may speak on any Question in the Debates of the House;<sup>199</sup>

MR. ARMSTRONG.--He remarked that<sup>200</sup> there were always 150 orders of the day to be gone through with and<sup>201</sup> although the house had been 46 days in session, only five measures had been passed, at an expense of £500 a day or £50 an hour, and this expense had been incurred in a great measure by parties using their privilege as members for bringing into debate private party piques. (Hear, hear.) Such feelings ought, he conceived, to be set aside

in favour of the public good of the country. He thought an hour sufficient for any member to express his sentiments on a subject, and with this view, if he thought his present motion would occupy many hours of discussion, he would withdraw it at once. Long speeches he conceived to be a great waste of time. He thought so long as the officers of the government who were at present the ins, had large salaries dangling before them, they would be opposed by the outs, and he would ask his hon. friends to bring down their salaries at once. (Hear, hear.) He thought an hour sufficient for any hon. member, and he would therefore move the House into a committee of the whole on the subject.<sup>202</sup>

MR. NOTMAN had great pleasure in seconding the motion<sup>203</sup> and he trusted there would not be five members in the House but would support it. There were certain members who seemed to have a great command of language, and who did occasionally made (sic) very long speeches, and that too, even to empty benches, which might have acted as a hint.<sup>204</sup> ((But)) when they saw the benches empty they would speak to the galleries.<sup>205</sup> It was not long since he had heard a lecture on the Vegetable Kingdom, while the party ought to have been speaking of the law of libel. On another occasion while the rebellion losses was before the House; he had heard expressions as foreign to the subject as possibly could be. He had taken a few notes of such expressions, which he would read. (The hon. member here read extracts which contained a large medley of words, the last of which ended with "highcockolorum" which caused much laughter.)<sup>206</sup> It was carrying human endurance too far to make them sit and listen to things of that kind. That hon. gentleman had spoken three and a half and four hours at once, and twenty-nine hours altogether in the debate on the rebellion losses.<sup>207</sup> Such a course was unjust to the country and unfair to young members who were expected to say something<sup>208</sup> on various questions, but could not do so when the time of the House had been occupied in the manner he had stated.<sup>209</sup> In supporting the motion, he had no more wish to gag hon. members than he had to gag the press, but he conceived there was a dire necessity for a change such as was contemplated by the motion.<sup>210</sup>

MR. MCCONNELL approved of what had fallen from the hon. member, with regard to one hour being sufficient time for a member to express himself on any occasion. But he thought the hon. member had looked over to that side of the House, when he might have looked at his own; and had taken away the mote, while he had left the beam.<sup>211</sup>

SIR A. MACNAB would like to hear the sentiments of some of the ministry on the subject.<sup>212</sup>

MR. AT. GEN. BALDWIN was not so sanguine as some hon. members with regard to the effects of the motion. There were other means which could be employed to retard the business of the House<sup>213</sup>. If an hon. member had spoken an hour he had only to move an amendment to speak another.<sup>214</sup> He hoped that the feeling of the House on the matter would become known, and which of itself might act as sufficient caution to members, against indulging in long speeches<sup>215</sup>. He thought his hon. friend was wrong in attributing the most to them. He thought the best remedy would be for members not to reiterate arguments which had been gone over<sup>216</sup> and he hoped hon. gentlemen opposite

could join those on his side of the House in putting a stop to the system. He hoped therefore his hon. friend the mover of the motion would pause before he sought to alter a rule of the House.<sup>217</sup>

SIR A. MACNAB thought that the hon. gentleman opposite had taken an unfair advantage of the absence of his friend the hon. member for Sherbrooke. There was similar attempt to the present made in Upper Canada--it was called the Gagging Bill, and, after two days discussion, it had been withdrawn. They had heard the longest speeches from the hon. Inspector General and Solicitor-General, West. The Solicitor-General, West, had spoken a day and a half, at one time, and very wide of the mark of the debate in question.<sup>218</sup>

((There were)) a few words from MR. CHABOT.<sup>219</sup>

MR. COM. CR. LANDS PRICE did not think the motion necessary.<sup>220</sup> A great part of the difficulty arose from the practice that had been carried out this Session of speaking twice in the same debate, getting up to explain and then making a second long speech. He regretted to speak of an hon. member in his absence, but no one could deny the fact, the hon. member for Sherbrooke spoke in every debate. Sir Allan McNab had very good speeches to make too, suppose every one of the hon. members was to speak in every debate. The hon. and gallant knight could not endure the speeches of the hon. member for Sherbrooke, he was always one of the first to leave the House when the hon. member began to speak. He thought the style of debate which had prevailed of late, did not tend to elevate the House in public estimation, or to promote the business of the country.<sup>221</sup>

MR. ARMSTRONG persisted in his motion.<sup>222</sup>

MR. BOULTON (Fourth) thought the motion would only have the effect of putting them to the expense of printing more amendments on the Journals.<sup>223</sup>

MR. BADGLEY thought such a rule as this unnecessary.<sup>224</sup> The more opposition that was put in the way of speakers would have an effect contrary to that intended.<sup>225</sup> Hon. members on both sides of the House must be nearly tired of this useless talking, they must have almost exhausted themselves.<sup>226</sup> He thought the Reporters had a little to do with it, and that if they condensed the speeches of hon. members, they might not be inclined to<sup>227</sup> make such long speeches.<sup>228</sup>

MR. CAMERON thought there would be no harm in trying the experiment.<sup>229</sup>

SIR A. MACNAB said that if the rules of the house were more strictly adhered to, such a rule as this would be uncalled for. Hon. members should be kept more strictly to the topic before the House.<sup>230</sup>

((There was)) some further discussion<sup>231</sup>.

(125)

*The House divided: and the names being called for, they were taken down, as follows:--*

*YEAS.*

*Messieurs Armstrong, Beaubien, Bell, Solicitor General Blake, Bouthillier,*



Cameron of KENT, Cartier, Cauchon, Davignon, DeWitt, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Malloch, Marquis, M'Connell, M'Farland, Méthot, Morrison, Nelson, Notman, Polette, Sauvageau, Scott of TWO MOUNTAINS, and Seymour.--(30.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Boulton of TORONTO, Cayley, Chabot, Chauveau, Christie, Crysler, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Lean, Meyers, Papineau, Price, Prince, Smith of FRONTENAC, Stevenson, and Viger.--(18.)

So it passed in the Affirmative.

Mr. Armstrong moved, seconded by the Honorable Mr. Cameron, of Kent, and the Question being proposed, That Mr. Speaker do now leave the Chair;

Sir Allan N. MacNab moved, seconded by Mr. Smith, of Frontenac, and the Question being put, That this House do now adjourn;

SIR A. MACNAB.--He would move that the House do now adjourn; because they had a large majority, they might not think to gag members on that side of the House. He would move twenty motions and twenty times speak to them. He (Sir A.) was surprised to see any member of the government support such a measure.<sup>232</sup>

COL. PRINCE thought that after this expression of the opinion of the House, they need not press the motion. He was quite sensible a great deal of time had been wasted in useless talking, but he thought hon. members would see the propriety of talking less.<sup>233</sup>

MR. INSP. GEN. HINCKS suggested that the plan should be used.<sup>234</sup>

MR. J. A. MACDONALD (Kingston) said the principal objection of letting the House decide if an hon. member should speak longer than an hour was, that with the influence the government had in the House, they could always speak as long as they liked whereas, if an hon. member on his (Mr. McD.'s) side of the House would be put down if he were saying things they did not like.<sup>235</sup> He thought also that after this expression of opinion there would be less time wasted.<sup>236</sup>

(125)

The House divided:--And it passed in the Negative.

And the Question being again proposed, That Mr. Speaker do now leave the Chair;

Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end of the Question be left out, and the words "the Orders of the day be now called" added instead thereof.

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Lean, Meyers, Prince, and Smith of FRONTENAC.--(11.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot,

Davignon, DeWitt, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Marquis, M'Connell, M'Farland, Méthot, Morrison, Nelson, Notman, Polette, Price, Sauvageau, Scott of TWC MOUNTAINS, Seymour, and Viger.--(32.)

*So it passed in the Negative.*

*And the Question being again proposed, That Mr. Speaker do now leave the Chair;*

MR. H. SMITH of Frontenac said the motion was raised at the suggestion of one or two particular members of the opposition. He would (sic) like to know who were the members who had taken up the most time.<sup>237</sup>

MR. ARMSTRONG.--From all parts of the House.<sup>238</sup>

MR. H. SMITH denied the assertion. He thought there were other cases; they had seen that an honorable member who usually made long speeches, had cut his speech short when the benches opposite were left. He moved in amendment that the orders of the day be postponed.<sup>239</sup>

MR. ARMSTRONG withdrew the motion, saying he would reserve it, in case this discussion had not the desired effect.<sup>240</sup>

(125)

*Mr. Smith, of Frontenac, moved in amendment to the Question, seconded by Sir Allan N. MacNab, That all the words after "That" to the end of the Question be left out, and the words "the Orders of the day be postponed till to-morrow" added instead thereof;*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

Messieurs Fadgley, Attorney General Baldwin, Boulton of TORONTO, Cayley, Chauveau, Christie, Crisler, DeWitt, Holmes, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Lean, Meyers, Nelson, Price, Prince, Smith of FRONTENAC, and Stevenson.--(19.)

NAYS.

Messieurs Armstrong, Bell, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Davignon, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Marquis, M'Connell, M'Farland, Méthot, Notman, Polette, Scott of TWO MOUNTAINS, and Viger.--(22.)

*So it passed in the Negative.*

*And the Question being again proposed, That Mr. Speaker do now leave the Chair;*

*Sir Allan N. MacNab moved, seconded by Mr. Smith, of Frontenac, and the Question being put, That the further consideration of the Question be postponed till Thursday next, and be then the first Order of the day;*

*The House divided:--And it was resolved in the Affirmative.*

SIR A. MACNAB moved for Correspondence on the subject of the payment of the Rebellion losses in Lower Canada.<sup>241</sup>

MR. AT. GEN. BALDWIN asked if he meant those relating to the late debate.<sup>242</sup>

SIR A. MACNAB.--Yes.<sup>243</sup>

MR. AT. GEN. BALDWIN said there was none<sup>244</sup>.

(126)

Quebec Friendly  
Society Bill.

Ordered, That Mr. Chabot have leave to bring in a  
Bill to continue for a limited time the Act of  
the Legislature of Lower Canada incorporating the

Quebec Friendly Society.

He accordingly presented the said Bill to the House, and the same was  
received and read for the first time; and ordered to be read a second time,  
on Monday next.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Cayley,

Desjardins  
Canal Company.

Ordered, That the Desjardins Canal Company do lay  
before this House, a true and faithful Account  
of the Receipts and Expenditure of the said Com-  
pany, from the period at which the last Statement was made to the 1st Jan-  
uary, 1849, pursuant to the Act 9 Vic. c. 85, sec. 4.

Orders  
deferred.

Ordered, That the remaining Orders of the day be  
postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded  
by Mr. Chabot,

The House adjourned.



APPENDIX: 5 MARCH 1849.

((DISCUSSION RE: MOTION COMPLAINING OF COLLECTOR OF CUSTOMS AT QUEBEC.))<sup>245</sup>

A heavy discussion then ensued, on a motion made by Mr. Gagy, relative to a complaint against the Collector of Customs at Quebec, for the seizure and sale of certain cattle in the Townships, but there was nothing of sufficient public interest to be worth reporting.<sup>246</sup>

((DISCUSSION RE: COMMITTEE DEALING WITH NIAGARA AND DETROIT RIVERS RAILROAD COMPANY.))<sup>247</sup>

Some discussion took place on the subject of a bill, which was to be introduced by Mr. McFarland, to incorporate the Niagara and Detroit Rivers Railroad Company<sup>248</sup>.

MR. MCFARLAND complained that the Committee to whom the petition was referred had not reported, and charged the Committee with "smothering" important facts connected with the measure.<sup>249</sup>

MR. CAUCHON complained of the tardy manner in which the Committee on the Detroit River Railroad proceeded, and with a view to smother important facts relative to it.<sup>250</sup>

((This)) called forth some remarks from SIR A. MACNAB as to the unfairness of the charge, and who read to the house the names of the Committee, and asked if it were at all likely that such a committee would coalesce for the purpose of smothering anything connected with it.<sup>251</sup>

MR. CAMERON ((spoke)).<sup>252</sup>

The motion for the introduction of the bill was allowed to stand and the committee asked to report immediately.<sup>253</sup>

SIR A. MACNAB assured the house, as chairman of the committee, that they were going on with taking evidence as fast as possible. In fact that every witness that he was aware of, had been examined, except one.<sup>254</sup>

((STATEMENT OF FUNDS RE: THE BROCK MONUMENT.))<sup>255</sup>

SIR A. MACNAB submitted, for the information of the house, a statement of the funds in connection with the Brock Monument. It appears that there is in Bank of Upper Canada Stock a sum of £4,7000 (sic), and in cash in Bank £201 12s. 7d.<sup>256</sup>

MR. MORIN the SPEAKER said, he did not understand that the house had wished to interfere in the matter.<sup>257</sup>

SIR A. MACNAB was aware of that, but as some discussion had taken place on the subject, he had written for the statement, and would now place it on the table of the house for the information of hon. members.<sup>258</sup>

FOOTNOTES: 5 MARCH 1849.

1. The debate on this matter was reported by: LA MINERVE, 8 March 1849; PILOT, 7 March 1849, GLOBE, 14 March 1849, HAMILTON SPECTATOR, 14 March 1849, PACKET, 10 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts. The HAMILTON SPECTATOR will be used instead of the difficult to read PILOT.
2. HAMILTON SPECTATOR, 14 March 1849.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. The debate on this matter was reported by: MONTREAL GAZETTE, 7 March 1849; STANSTEAD JOURNAL, 15 March 1849; L'AVENIR, 17 March 1849; LA MINERVE, 8 March 1849; PILOT, 7 March 1849, and GLOBE, 14 March 1849 in identical accounts, except that GLOBE reported fewer speeches. LE JOURNAL DE QUEBEC, 8 March 1849, noted the debate. Commentaries may be found in PILOT, 7, 9 March 1849. Wherever possible, the GLOBE is used instead of the difficult to read PILOT.
8. MONTREAL GAZETTE, 7 March 1849.
9. GLOBE, 14 March 1849.
10. MONTREAL GAZETTE, 7 March 1849.
11. GLOBE, 14 March 1849.
12. MONTREAL GAZETTE, 7 March 1849.
13. GLOBE, 14 March 1849.
14. IBID.
15. MONTREAL GAZETTE, 7 March 1849.
16. GLOBE, 14 March 1849.
17. MONTREAL GAZETTE, 7 March 1849.
18. GLOBE, 14 March 1849.
19. IBID.
20. IBID.
21. MONTREAL GAZETTE, 7 March 1849.
22. GLOBE, 14 March 1849.
23. MONTREAL GAZETTE, 7 March 1849.
24. IBID.
25. GLOBE, 14 March 1849.
26. MONTREAL GAZETTE, 7 March 1849.
27. GLOBE, 14 March 1849.
28. MONTREAL GAZETTE, 7 March 1849.
29. GLOBE, 14 March 1849.
30. MONTREAL GAZETTE, 7 March 1849.
31. IBID.
32. GLOBE, 14 March 1849.
33. MONTREAL GAZETTE, 7 March 1849.
34. GLOBE, 14 March 1849.
35. MONTREAL GAZETTE, 7 March 1849.
36. GLOBE, 14 March 1849.
37. IBID.
38. MONTREAL GAZETTE, 7 March 1849.
39. IBID.

40. PILOT, 7 March 1849.
41. MONTREAL GAZETTE, 7 March 1849.
42. PILOT, 7 March 1849.
43. MONTREAL GAZETTE, 7 March 1849.
44. PILOT, 7 March 1849.
45. MONTREAL GAZETTE, 7 March 1849.
46. PILOT, 7 March 1849.
47. IBID.
48. MONTREAL GAZETTE, 7 March 1849.
49. PILOT, 7 March 1849.
50. MONTREAL GAZETTE, 7 March 1849.
51. PILOT, 7 March 1849.
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65. PILOT, 7 March 1849.
66. MONTREAL GAZETTE, 7 March 1849.
67. PILOT, 7 March 1849.
68. MONTREAL GAZETTE, 7 March 1849.
69. PILOT, 7 March 1849.
70. IBID.
71. IBID.
72. IBID.
73. MONTREAL GAZETTE, 7 March 1849.
74. PILOT, 7 March 1849.
75. MONTREAL GAZETTE, 7 March 1849.
76. PILOT, 7 March 1849.
77. MONTREAL GAZETTE, 7 March 1848.
78. IBID.
79. IBID.
80. PILOT, 7 March 1849.
81. MONTREAL GAZETTE, 7 March 1849.
82. PILOT, 7 March 1849.
83. L'AVENIR, 17 March 1849.
84. GLOBE, 14 March 1849.
85. MONTREAL GAZETTE, 7 March 1849.
86. GLOBE, 14 March 1849.
87. MONTREAL GAZETTE, 7 March 1849.
88. GLOBE, 14 March 1849.
89. MONTREAL GAZETTE, 7 March 1849.
90. GLOBE, 14 March 1849.
91. MONTREAL GAZETTE, 7 March 1849.



92. GLOBE, 14 March 1849.
93. MONTREAL GAZETTE, 7 March 1849.
94. IBID.
95. PILOT, 7 March 1849.
96. MONTREAL GAZETTE, 7 March 1849.
97. PILOT, 7 March 1849.
98. MONTREAL GAZETTE, 7 March 1849.
99. PILOT, 7 March 1849.
100. MONTREAL GAZETTE, 7 March 1849.
101. IBID.
102. L'AVENIR, 17 March 1849.
103. MONTREAL GAZETTE, 7 March 1849.
104. GLOBE, 14 March 1849.
105. MONTREAL GAZETTE, 7 March 1849.
106. GLOBE, 14 March 1849.
107. MONTREAL GAZETTE, 7 March 1849.
108. GLOBE, 14 March 1849.
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110. GLOBE, 14 March 1849.
111. MONTREAL GAZETTE, 7 March 1849.
112. GLOBE, 14 March 1849.
113. MONTREAL GAZETTE, 7 March 1849.
114. GLOBE, 14 March 1849.
115. MONTREAL GAZETTE, 7 March 1849.
116. GLOBE, 14 March 1849.
117. MONTREAL GAZETTE, 7 March 1849.
118. GLOBE, 14 March 1849.
119. MONTREAL GAZETTE, 7 March 1849.
120. IBID.
121. GLOBE, 14 March 1849.
122. MONTREAL GAZETTE, 7 March 1849.
123. GLOBE, 14 March 1849.
124. MONTREAL GAZETTE, 7 March 1849.
125. GLOBE, 14 March 1849.
126. MONTREAL GAZETTE, 7 March 1849.
127. GLOBE, 14 March 1849.
128. MONTREAL GAZETTE, 7 March 1849.
129. GLOBE, 14 March 1849.
130. MONTREAL GAZETTE, 7 March 1849.
131. GLOBE, 14 March 1849.
132. IBID.
133. IBID.
134. MONTREAL GAZETTE, 7 March 1849.
135. IBID.
136. IBID.
137. IBID.
138. GLOBE, 14 March 1849.
139. MONTREAL GAZETTE, 7 March 1849.
140. GLOBE, 14 March 1849.
141. MONTREAL GAZETTE, 7 March 1849.
142. GLOBE, 14 March 1849.

143. MONTREAL GAZETTE, 7 March 1849.
144. GLOBE, 14 March 1849.
145. MONTREAL GAZETTE, 7 March 1849.
146. GLOBE, 14 March 1849.
147. IBID.
148. IBID.
149. MONTREAL GAZETTE, 7 March 1849.
150. GLOBE, 14 March 1849.
151. MONTREAL GAZETTE, 7 March 1849.
152. GLOBE, 14 March 1849.
153. MONTREAL GAZETTE, 7 March 1849.
154. GLOBE, 14 March 1849.
155. MONTREAL GAZETTE, 7 March 1849.
156. GLOBE, 14 March 1849.
157. MONTREAL GAZETTE, 7 March 1849.
158. GLOBE, 14 March 1849.
159. IBID.
160. IBID.
161. MONTREAL GAZETTE, 7 March 1849.
162. GLOBE, 14 March 1849.
163. MONTREAL GAZETTE, 7 March 1849.
164. GLOBE, 14 March 1849.
165. IBID.
166. IBID.
167. MONTREAL GAZETTE, 7 March 1849.
168. GLOBE, 14 March 1849.
169. MONTREAL GAZETTE, 7 March 1849.
170. GLOBE, 14 March 1849.
171. MONTREAL GAZETTE, 7 March 1849.
172. GLOBE, 14 March 1849.
173. IBID.
174. MONTREAL GAZETTE, 7 March 1849.
175. GLOBE, 14 March 1849.
176. PILOT, 7 March 1849. The ellipsis represents an illegible line.
177. MONTREAL GAZETTE, 7 March 1849.
178. PILOT, 7 March 1849.
179. IBID.
180. IBID.
181. IBID.
182. MONTREAL GAZETTE, 7 March 1849.
183. PILOT, 7 March 1849.
184. MONTREAL GAZETTE, 7 March 1849.
185. PILOT, 7 March 1849.
186. MONTREAL GAZETTE, 7 March 1849.
187. IBID.
188. PILOT, 7 March 1849.
189. MONTREAL GAZETTE, 7 March 1849.
190. IBID.
191. IBID.
192. PILOT, 7 March 1849.
193. MONTREAL GAZETTE, 7 March 1849.

194. PILOT, 7 March 1849.
195. MONTREAL GAZETTE, 7 March 1849.
196. PILOT, 7 March 1849.
197. MONTREAL GAZETTE, 7 March 1849.
198. IBID.
199. The debate on this matter was reported by: MONTREAL GAZETTE, 7 March 1849; STANSTEAD JOURNAL, 15 March 1849; LA MINERVE, 8 March 1849; PILOT, 7 March 1849, GLOBE, 14 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts, except that GLOBE and PROVINCIALIST, reported fewer speeches. Commentaries may be found in PILOT, 7 March 1849, and GLOBE, 10 March 1849.
200. GLOBE, 14 March 1849.
201. MONTREAL GAZETTE, 7 March 1849.
202. GLOBE, 14 March 1849.
203. MONTREAL GAZETTE, 7 March 1849.
204. GLOBE, 14 March 1849.
205. MONTREAL GAZETTE, 7 March 1849.
206. GLOBE, 14 March 1849.
207. MONTREAL GAZETTE, 7 March 1849.
208. GLOBE, 14 March 1849.
209. MONTREAL GAZETTE, 7 March 1849.
210. GLOBE, 14 March 1849.
211. MONTREAL GAZETTE, 7 March 1849.
212. GLOBE, 14 March 1849.
213. IBID.
214. MONTREAL GAZETTE, 7 March 1849.
215. GLOBE, 14 March 1849.
216. MONTREAL GAZETTE, 7 March 1849.
217. GLOBE, 14 March 1849.
218. MONTREAL GAZETTE, 7 March 1849.
219. GLOBE, 14 March 1849.
220. MONTREAL GAZETTE, 7 March 1849.
221. GLOBE, 14 March 1849.
222. IBID.
223. MONTREAL GAZETTE, 7 March 1849.
224. GLOBE, 14 March 1849.
225. MONTREAL GAZETTE, 7 March 1849.
226. GLOBE, 14 March 1849.
227. MONTREAL GAZETTE, 7 March 1849.
228. GLOBE, 14 March 1849.
229. IBID.
230. IBID.
231. IBID.
232. MONTREAL GAZETTE, 7 March 1849.
233. GLOBE, 14 March 1849.
234. IBID.
235. MONTREAL GAZETTE, 7 March 1849.
236. GLOBE, 14 March 1849.
237. PILOT, 7 March 1849.
238. IBID.
239. IBID.
240. IBID.



- 241. IBID.
- 242. MONTREAL GAZETTE, 7 March 1849.
- 243. IBID.
- 244. IBID.
- 245. This matter was reported by: LA MINERVE, 8 March 1849; PILOT, 7 March 1849, GLOBE, 14 March 1849, HAMILTON SPECTATOR, 14 March 1849, and PROVINCIALIST, 15 March 1849, in identical accounts. The HAMILTON SPECTATOR will be used instead of the difficult to read PILOT.
- 246. HAMILTON SPECTATOR, 14 March 1849.
- 247. This matter was reported by: MONTREAL GAZETTE, 7 March 1849; PILOT, 7 March 1849, GLOBE, 14 March 1849, HAMILTON SPECTATOR, 14 March 1849, PACKET, 10 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts. The HAMILTON SPECTATOR will be used instead of the difficult to read PILOT.
- 248. HAMILTON SPECTATOR, 14 March 1849.
- 249. IBID.
- 250. MONTREAL GAZETTE, 7 March 1849.
- 251. HAMILTON SPECTATOR, 14 March 1849.
- 252. IBID.
- 253. IBID.
- 254. IBID.
- 255. This matter was reported by: PILOT, 7 March 1849, GLOBE, 14 March 1849, HAMILTON SPECTATOR, 14 March 1849, and PROVINCIALIST, 15 March 1849, in identical accounts. The HAMILTON SPECTATOR, will be used instead of the difficult to read PILOT.
- 256. HAMILTON SPECTATOR, 14 March 1849.
- 257. IBID.
- 258. IBID.

TUESDAY, 6 MARCH 1849.

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Petition  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. Polette,--The Petition of J. Desfossés, Esquire, and others, of the Town and District of Three Rivers; and the Petition of François Da Sylva, Esquire, and others, of the Town and District of Three Rivers.

By the Honorable Mr. Merritt,--The Petition of Rowley Kilborn and others, of the District of Niagara.

By the Honorable Mr. Cameron, of Kent,--The Petition of William Murray and others, of the Eastern District.

By Mr. DeWitt,--The Petition of Donald M'Intosh, of the Township of Godmanchester, distiller.

By Mr. M'Farland,--The Petition of James Williams and others, of the District of Niagara.

By Mr. Notman,--The Petition of John Burwell, of Port Burwell, District of London, Esquire; and the Petition of Leonard Wilcox, of the City of Toronto.

By the Honorable Mr. Boulton,--The Petition of the President and Directors of the Cobourg Harbour Company (purchase of Works).

By Mr. Malloch,--The Petition of R. Hervey, Esquire, and others, of the Town of Bytown.

By the Honorable Mr. Hincks,--The Petition of George Tillson and others, of Dereham.

By Mr. Prince,--The Petition of the Municipal Council of the Western District (Joint Stock Colonizing Company); the Petition of the Municipal Council of the Western District (Road, Indian Reserve); and the Petition of the Municipal Council of the Western District (Roads).

Emigration Bill.

An engrossed Bill to amend the Emigration Act,  
was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants."

Ordered, That the Honorable Mr. Merritt do carry the Bill to the Legislative Council, and desire their concurrence.

MR. PRES. EX. COUN. MERRITT<sup>1</sup> moved that the Reciprocity Bill be read a third time.<sup>2</sup>

MR. SMITH (Frontenac) objected to its passage. The House had gone far enough to show its feelings on the subject, and<sup>3</sup> he did not see any use of putting it on the statute books, a dead letter, for such it would be as the Senate had risen.<sup>4</sup> He did not think their pressing the measure further in such haste would have a good effect in the debates.<sup>5</sup> He felt it his duty to divide the House on the subject.<sup>6</sup>

MR. PRES. EX. COUN. MERRITT thought that hon. member should not then offer opposition.<sup>7</sup> They had already gone so far with the measure that it was just as well to pass it, as it would have to go home to obtain the Royal Assent. It would not of course take effect until a similar law was passed in the United States. He had strong hopes that this measure would yet become law.<sup>8</sup>

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Reciprocity  
Bill.

An engrossed Bill to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States, was read the third time.

The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Attorney General LaFontaine, and the Question being put, That the Bill do pass, and the Title be "An Act to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States;"

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cayley, Chabot, Chauveau, Christie, Crysler, DeWitt, Fergusson, Flint, Fortier, Fourquin, Guillet, Hincks, Holmes, Attorney General LaFontaine, Macdonald of KINGSTON, M'Farland, Merritt, Morrison, Notman, Polette, Prince, Robinson, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, and Thompson.--(32.)

NAYS.

Messieurs Fournier, Laterrière, Lemieux, Malloch, Marquis, Smith of FRONTENAC, Stevenson, and Taché.--(8.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Merritt do carry the Bill to the Legislative Council, and desire their concurrence.

Message from  
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

School of  
Navigation.

The Legislative Council give leave to the Honorable William Walker to attend the Select Committee appointed to enquire into the expediency of establishing a Provincial School of Navigation at Quebec, on Thursday next, at eleven o'clock in the forenoon, to be examined on the subject of the said reference.

And then he withdrew.

Fourteenth Re-  
port of Commit-  
tee on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Municipal Council of the Town of Three Rivers, and of Theophilus Rickaby and others, praying that the Common appertaining to the said Town may be vested in the Municipal Council; and they find that no notice of the application has been given.

The Petitions of William Davidson and others,--of the City Council of Kingston (for incorporation of the Kingston Hospital),--and of the Niagara Falls Suspension Bridge Company (for a reduction of their Capital,) Your Committee are of opinion do not require notice.



Joint Stock  
Road Companies  
Bill.

The Honorable Mr. Boulton, from the Select Committee to which were referred the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled or Macadamized Roads therein, and the Bill to authorize the formation of incorporated Road and Bridge Companies in Upper Canada, with an instruction to the Committee, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bills referred to them; made amendments to the Bill to authorize the formation of Joint Stock Companies in Upper

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Canada, for the construction of Plank, Gravelled or Macadamized Roads therein, and extended the provisions thereof to Lower Canada, in accordance with their Instruction.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

MR. AT. GEN. LAFONTAINE<sup>9</sup> moved for leave to bring in a bill to increase the Representation of the country in Parliament. He intended to increase the representation from eighty-four to one hundred and fifty members, giving seventy-five members to each section of the Province, and thus preserving the present equality. If the bill were passed into a law, it would not come into effect until the conclusion of the present Parliament.<sup>10</sup>

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Representation  
Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to enlarge the Representation of the People of this Province

in Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday, the sixteenth instant.

MR. AT. GEN. LAFONTAINE<sup>11</sup> stated in a few words the object of the bill, which was to consolidate all the laws on this subject into one. The chief alteration being the permanent appointment of the Sheriffs of Counties as Returning Officers, instead of leaving the appointment at the discretion of the Executive at present.<sup>12</sup>

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Election Bill.

The Order of the day for the second reading of the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read; The Bill was accordingly read a second time.

MR. CHAUVEAU said a few words, which we could not hear<sup>13</sup>.

M. PAPINEAU parla en francais<sup>14</sup>. Mr. Papineau objected to the bill both in principle and in detail.<sup>15</sup> The bill militated against the house and electors. There was room to be astonished that the government should attempt to introduce such a measure.--<sup>16</sup> By the appointment of Sheriffs

of Counties as Returning Officers, ex officio, it must necessarily happen that those officers<sup>17</sup> who were in the immediate employ of the government and most dependent on them<sup>18</sup> for their bread, would become corrupt, and strain every nerve in the cause of the Government.<sup>19</sup> They had brought the charge of corruption against the last administration for appointing returning officers of this class, the Vansittart case was an instance. In England returning officers were appointed from the class of mayors or other servants of the people. He objected to registrars being returning officers as was proposed who although they held their offices during life, they might be discharged by the government. It was provided that this class of persons should not be eligible for election, and he did not think they should be for returning officers. The bill did not appear to have met any of the difficulties which had so long afflicted the Province. The terms in which the bill was conceived were vague, and left room for returning officers to make erroneous and false returns--it was both vicious in principle and detail. It was manifestly against the act of Union. The act of Union provided that the Governor only should have the power of appointing the returning officers; it was not for his sake but for that of the hon. members that he made that remark. He did not care about the act of Union, and was prepared to vote for its abolition.<sup>20</sup> It would appear that Responsible Government was nothing more than a name, for the asservissement of the House of Assembly, and the demoralisation of every public officer.<sup>21</sup> A bill of the kind was without example, and without excuse; the principle on the whole was so vicious that he would vote for putting it off altogether if he could not refer it to a special committee.<sup>22</sup>

MR. AT. GEN. LAFONTAINE.--Il y a longtemps que nous sommes préparés, à voir tous nos actes condamnés par l'hon. membre pour le comté de St.-Maurice. Il s'occupe bien peu de donner dans des contradictions manifestes, pourvu qu'il ait quelque chose à dire contre l'administration. Cela prouve son honneur, sa haute intelligence. Il nous a dit que l'administration ne valait rien, qu'elle était corrompue, que lui seul était bon, était franc. Néanmoins il trouve qu'il y a une grande différence entre les officiers publics pour le Haut-Canada et ceux du Bas-Canada. Ici il veut qu'ils soient tous élus par le peuple; là, il lui importe fort peu par qui ils seront élus. Cela encore prouve son grand coeur, son honnêteté politique.

Quelle différence y a-t-il dans les résolutions devant cette Chambre pour le choix des officiers rapporteurs dans l'une ou l'autre partie de la province? Il n'y en a aucune. Ce qui est bon pour le Bas-Canada, doit l'être pour le Haut-Canada également. Dans l'une des parties de la province, ça doit être les shérifs qui seront pris pour officiers-rapporteurs; dans l'autre partie, ça doit être les registrateurs. Cependant l'hon. membre lui veut qu'il y ait des distinctions; il veut que dans une partie de la province, les officiers-rapporteurs soient choisis par le peuple et que dans l'autre ils soient nommés par l'exécutif.<sup>23</sup>

M. PAPINEAU.--Je n'ai jamais dit cela.<sup>24</sup>

MR. AT. GEN. LAFONTAINE.--Alors l'hon. membre n'a lu qu'une partie du bill devant la Chambre, la partie qui concerne le Bas-Canada et non celle qui concerne le Haut-Canada. Eh! comment pouvait-il les lire ainsi, quand toutes deux se trouvent dans la même clause? Il n'y a rien qui puisse

le porter à agir ainsi, excepté le désir de nous nuire, et cela contrairement à sa conscience.<sup>25</sup>

M. PAPINEAU.--Non, non.<sup>26</sup>

MR. AT. GEN. LAFONTAINE.--Demandez, dit-il, parce que vous serez refusés! Chaque chose que ses compatriotes obtiennent est une blessure faite au coeur de l'hon. membre. Demandez, parce que vous serez refusés! Les gens de bonne foi mais qui ne le connaissent pas ont cru, lorsqu'il a écrit ces paroles, qu'il s'était trompé; ceux qui le connaissaient bien, qu'il ne se trompait pas.

Jamais il ne dira à ses compatriotes: demandez une chose parce que vous serez exaucés. Oh! non, il n'aurait plus l'occasion de déblatérer contre le gouvernement anglais son cauchemar de tous les temps. Voilà son principe tel que décrit par lui-même.

On ne peut trouver une seule clause de ce bill sans qu'elle ait rapport aux deux Canadas également. Il est donc clair qu'il avait oublié de lire dans ce bill la partie qui concerne le Haut-Canada; c'est une preuve qu'il veut tout contredire à tort et à travers; qu'il est décidé d'avance à blâmer tout ce que nous pourrions faire. C'est pour moi une chose pénible de voir que l'hon. membre, pour satisfaire une vieille habitude, déblatérer ainsi qu'il l'a fait ce soir, montrait par là combien est grande son ignorance des lois passées en ce pays depuis l'acte d'Union. Il nous a dit que le gouvernement devait prendre les officiers-rapporteurs parmi les maires.--Mais ne devrait-il pas savoir que ces personnes sont disqualifiées? sans doute qu'il le savait, mais qu'il a feint de l'ignorer.<sup>27</sup>

M. PAPINEAU.--Non, je ne le savais pas.<sup>28</sup>

MR. AT. GEN. LAFONTAINE.--L'hon. membre ne le savait pas; c'est bien malheureux, car s'il l'eut su, sans doute qu'il ne nous aurait pas fait un pareil reproche. Il nous dit: pourquoi ne pas leur fournir l'occasion de s'attirer l'estime publique? Puis il est obligé d'avouer qu'il y a une loi qui les disqualifie.

L'hon. membre est le seul qui ait des connaissances politiques. Les hon. membres qui proposent ce bill ont cru lire quelque part qu'en Angleterre les shérifs étaient faits officiers-rapporteurs. L'hon. membre pour le comté de St.-Maurice dit néanmoins que les shérifs au Canada ne doivent pas être faits officiers-rapporteurs. Il veut l'élection par le peuple. Mais pendant tout le temps qu'il a été à la tête du pays, pourquoi a-t-il donc laissé sans mot dire le soin de choisir les officiers-rapporteurs, entre les mains des gouverneurs?

Y a-t-il jamais eu de sa part de réclamation contre ce qu'il appelle ainsi un abus aujourd'hui? Point du tout; il n'y a eu ni plainte ni protestation. Une autre preuve que l'hon. membre n'a pas lu le bill devant la Chambre, c'est qu'il parle de quatre à cinq serments, tandis qu'il n'y en a qu'un. C'est là la partie principale du bill. Il ne l'a pas plus lue que celle qui concerne la nomination des officiers-rapporteurs dans le Haut-Canada. Il voudrait qu'on n'exigeât pas de serment d'âge, de ce qu'il est clair qu'ils ont plus que l'âge de majorité. C'est vouloir dire que tout homme qui a les cheveux blancs doit nécessairement avoir plus de vingt et un ans. Je le demande, par quel moyen pourrait-on distinguer qu'un individu dans ce cas, a ou n'a pas ses vingt et un ans? C'est un abus sans



doute que d'exiger le serment d'une personne qui a les cheveux blancs et qui sont reconnue pour âgé, mais c'est un abus qui existe partout et auquel on ne saurait remédier.

Quand l'hon. membre nous dit: on ne fait pas disparaître cet inconvénient qu'il y a six serments d'exigés des électeurs, il ne sait pas ce qu'il dit. Il n'y a qu'un seul serment d'exigé. C'est une preuve nouvelle qu'il n'a pas lu ce bill.

L'hon. membre nous dit: ce bill est contraire à l'acte d'Union! Il fallait qu'il sentit qu'il n'avait pas grand chose à dire pour en venir là. Comment, dit-il, vous législatez contre l'acte d'Union? Mais est-ce que l'acte d'Union est contraire quant à cette disposition à l'acte de 91? Est-ce que ce n'est pas la même disposition? Et si aujourd'hui vous n'avez pas le droit d'imposer des qualification aux officiers-rapporteurs, aviez-vous ce droit sous la constitution de 91? Aviez-vous le droit de dire que le gouverneur ne pourrait pas choisir pour officier-rapporteur un homme qui n'aurait pas cette qualification? L'hon. membre sait bien qu'on ne peut pas violer l'acte d'Union. S'il trouve à redire au bill actuel, c'est que lui seul savant, seul patriote dans ce pays, trouve à redire à tout.

L'hon. membre a fait allusion à la nomination de M. Delisle comme officier-rapporteur, mais il avait sans doute oublié qu'il avait été nommé comme tel par la dernière administration, et qu'il avait, on ne peut mieux, rempli son devoir.

Tombant ensuite dans une de ses contradictions habituelles, l'hon. membre, tout en demandant que les officiers-rapporteurs soient nommés par le peuple, veut bien qu'il y en ait de nommés par l'exécutif. Tout ce que je puis dire, c'est que, si l'on avait toujours pris les officiers-rapporteurs parmi les officiers publics, l'on n'aurait pas vu mes compatriotes tomber à mes côtés en 1832.....Des officiers publics responsables se seraient mieux conduits. M. Delisle fut nommé, officier-rapporteur en 1841, sa place était en jeu. Il avait tout à perdre dans le cas de malversation. Les deux partis politiques du jour, quoique bien différents d'intérêts, ont été contents de sa nomination qui eut lieu sous la dernière administration.

N'avions-nous pas le droit de nommer cet officier public, officier-rapporteur? N'avions-nous pas raison de le faire? Peut-on justement nous blâmer de l'avoir fait? Non--Il n'y a pas de plus grande garantie d'impartialité dans les elections que de choisir des officiers-rapporteurs parmi des hommes qui ont quelque chose à perdre en cas de malversation. L'exemple de M. Vansittart sera salubre. Et l'on peut être certain que des officiers publics qui pourront être dorénavant nommés officiers-rapporteurs feront leur devoir.

L'hon. membre nous conseille de choisir comme officiers-rapporteurs des hommes pris parmi les officiers des municipalités! Mais où en sommes-nous dans notre système municipal?...Il y a dans certains comtés parmi les officiers des municipalités, je dois l'avouer, on m'y force, des hommes tout-à-fait incapables de faire des officiers-rapporteurs, faute de savoir lire et écrire. Cet aveu pénible que l'hon. membre me force à faire, ça le touche peu. C'est son système..toujours content, pourvu qu'il blâme l'administration. Quant au fonctionnement du gouvernement responsable c'est une question qu'il n'est plus nécessaire de traiter en cette Chambre. On sait qu'en penser, si le gouvernement responsable n'eut pas fonctionné comme il faut, l'hon. membre ne saurait pas ici aujourd'hui. Il peut trouver à

redire aussi longtemps que ça lui plaira aux mesures de ministère; j'aime à penser que le temps n'est pas loin où il sera appelé à occuper la charge que j'occupe et où il l'occupera en effet, s'il a du coeur et du patriotisme véritable. Il sera ainsi pour la première fois de sa vie, appelé à construire, non pas à démolir. Pour cela il lui faudra mettre de côté ses petites rancunes. Ce n'est rien autre chose que la haine et la vengeance qui lui font ravalier ses compatriotes, qui lui font ravalier le clergé de son pays. C'est la haine contre ce qu'il appelle le gouvernement anglais qui le fait agir ainsi envers nous; pas autre chose. Je l'ai entendu dire autrefois l'éloge de ses compatriotes; aujourd'hui il se plaît à les ravalier. Autre fois c'étaient des hommes de coeur, et aujourd'hui ce ne sont plus que des machines que l'on menait à la guerre.

Il m'est pénible d'avoir à répondre à l'hon. membre. Mais pourquoi, pendant qu'il était en voie de progrès, ne nous a-t-il pas dit qu'il voulait conserver le principe du suffrage universel?... Il n'oserait pas invoquer ici ce principe, quoiqu'il l'ait fait invoquer ailleurs, puisqu'il croit qu'il y a dans l'acte d'Union quelque chose qui s'y oppose, et qu'il sait qu'il faut bien nous soumettre à la clause de cet acte qui prescrit la qualification pour les élections.

Quant aux personnes parmi lesquelles le gouverneur doit choisir les officiers-rapporteurs, ça ne peut être que celles mentionnées dans ce bill. Aucune autres ne pensent fournir autant de garanties, vous avez là une classe de personnes instruites qui devront se faire un devoir d'étudier les lois des élections; connaissance que vous ne pouvez pas attendre du premier individu que l'on présentera. Quant au nombre des serments exigés des electeur (sic) il se trouve réduit à un seul. L'hon. membre s'était trompé sur ce point comme sur tout d'autres. Pour ce qui concerne le double vote, je crois qu'il n'en a rien dit; aussi je n'en dirai pas davantage. Je ne ferai plus à l'hon. membre qui demande un comité spécial, qu'une seule question. Je lui demanderai s'il entend laisser passer la session sans proposer aucune mesure quelconque, lui qui a dit qu'il avait pris tout l'été pour se consacrer à ses devoirs de législateur!...<sup>29</sup> The hon. gentleman moved to have the bill referred to a committee of the whole on Friday next.<sup>30</sup>

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*The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Viger, and the Question being proposed, That the Bill be committed to a Committee of the whole House, for Friday next.*

*Mr. Gagy moved in amendment to the Question, seconded by the Honorable Mr. Badgley, That the words "and that it be an Instruction to the said Committee, to enquire into and report upon the expediency of introducing and establishing a sound and effective system for the Registration of Votes," be added at the end thereof.*

MR. PAPINEAU, in English went over the same ground that had just spoken in French.<sup>31</sup> (en anglais) La prérogative de l'exécutif touchant la nomination des officiers-rapporteurs a toujours été et est encore aujourd'hui presque illimitée, tandis que dans tout pays bien constitué cette prérogative doit être aussi limitée que possible. Cette chambre dans l'intérêt de ses droit (sic) devait aussi, si elle comprenait sa position, être bien viligante à voir à ce que les officiers-rapporteurs soient bien nommés; à voir où ils

seront pris et par qui sera fait leur nomination. Nous sommes appelés à fixer le choix de ces officiers-rapporteurs sur des personnes qui par leur situation même sont dépendantes de l'exécutif, du gouvernement; sur des personnes qui au jour des élections auront à considérer s'ils peuvent rester en place, et qui, d'abord certaines de n'être pas punies, feront tout ce qu'ils pourront pour obtenir des élections dans les vues de ceux de qui ils tiendront leurs emplois. Je dis que c'est là une chose sans exemple; et que l'adoption d'un pareil principe serait indigne d'une chambre qui se respecterait. N'est-il pas évident que les officiers-rapporteurs, ainsi choisis parmi ceux qui sont dans la dépendance d'un pouvoir exécutif aussi puissant que le nôtre, seront portés, dans leur intérêt et celui de leur famille, à favoriser avant tout l'élection des membres du parti qui les aura mis en charge? Les shérifs sont de tous les officiers ceux qui sont les mieux payés, et ils dépendent tellement du pouvoir que comme tous les officiers publics du jour, ils puissent être démis au jour le jour, alors qu'ils cesseront un instant de prêter une obéissance aveugle à l'administration. Esclavage et obéissance passive, ou bien destitution de leur emploi, voilà l'alternative où l'on a placé les officiers publics de la province. Comme officiers des cours de justice, les shérifs doivent être mis de côté dans le choix des officiers-rapporteurs; les officiers des cours judiciaires ne doivent pas être mêlés aux fonctions de l'exécutif. Les juges, pour la sûreté de tous, ainsi que tous les officiers des cours de justice, doivent être exclus de toutes charges publiques. C'est très mal à propos qu'on appelle des officiers judiciaires à remplir des fonctions comme celle d'officier-rapporteur. C'est lancer au milieu des tourmentes politiques des hommes qui doivent être en dehors de tous les partis.

J'ai dit que je ne savais pas quelle était l'opinion des membres du Haut-Canada sur la manière dont doivent être nommés les officiers-rapporteurs et que je leur laissais le soin de voir si le bill actuel leur convenait ou ne leur convenait pas. Quant au Bas-Canada, je ne pense pas que cette disposition du bill surtout puisse convenir. J'ai dit qu'introduire ici le principe que les officiers-rapporteurs soient pris parmi des hommes dépendants de l'exécutif, c'était agir contrairement aux précédents anglais qu'on se vante de suivre en tous points. En Angleterre les officiers-rapporteurs sont les officiers du peuple parce qu'ils travaillent pour le peuple. Ils ne sont pas les officiers ou les serviteurs de l'exécutif. Si les shérifs sont pris pour servir comme officiers-rapporteurs, c'est qu'ils sont élus par le peuple et que comme mandataire du peuple ils peuvent travailler dans ses intérêts. L'exécutif des précédents anglais qui permettent aux shérifs d'être nommés officiers-rapporteurs n'a pas d'application en Canada. Les cas sont tous différents. Il n'y a pas de parallèle possible entre nos shérifs et ceux d'Angleterre. Ici ils sont dépendants de l'exécutif; là, ils en sont tout à fait indépendants. Ici les shérifs sont nommés que pour un an, sans savoir que c'est pour servir comme officiers-rapporteurs.

Dans un pays qui a des institutions municipales dont les officiers sont nommés par le peuple, les officiers-rapporteurs doivent être pris parmi ces officiers ou élus directement par le peuple. Aussi dans les villes, par exemple les maires devaient, de préférence aux shérifs, être choisis comme officiers-rapporteurs. Ils seraient aussi dépendant (sic) du pouvoir populaire et non du pouvoir exécutif, du gouvernement. Le peuple aurait soin de voir alors à ce que ces officiers-rapporteurs fussent bien qualifiés à



remplir leur charge avec impartialité, et ça serait en conformité aux précédents anglais, bons au moins sur ce point. En Angleterre, s'il y a des shérifs de fait officiers-rapporteurs, c'est dû uniquement à ce que dans les premiers temps, ils étaient élus par le peuple et qu'ils avaient comme tels été chargés de l'office d'officiers-rapporteurs; les temps et les choses ayant changé, ils ont été maintenus dans ce droit. Je crois que dans ce pays nous devons avant tout arracher les officiers-rapporteurs à l'influence de l'exécutif, et par conséquent laisser le peuple les choisir, soit en nommant comme tels les maires ou autres officiers électifs, soit en laissant aux comtés le soin de les élire.

L'hon. procureur général pour le Bas-Canada (M. Lafontaine) dit que c'est parce que le gouverneur a, jusqu'ici, été saisi du droit de nommer les officiers-rapporteurs, qu'il doit toujours continuer à exercer cette prérogative, ce privilège. Il dit que ceci a toujours existé depuis 1701 et qu'il n'y a pas eu de protestation; qu'on ne s'est pas plaint de cet abus. Il n'y en a pas eu. Pourquoi? parce qu'il n'y en a pas eu besoin. La Chambre d'assemblée était assez indépendante pour que les officiers-rapporteurs sentissent qu'elle ne les aurait jamais protégé dans leur malversation. J'ai ajouté que dans les cinquante années précédentes sous l'ancienne législature, il y avait eu moins de cas où les officiers-rapporteurs se sont éloignés de leur devoir par le désir de plaire à ceux qui étaient à la tête du gouvernement, que depuis l'acte d'Union et le gouvernement responsable. Depuis cette époque il y a eu plus de plaintes que pendant les cinquante années précédentes. On me répond que nous avons un gouvernement responsable et que nous devons être satisfaits, qu'il nous fait un bien incalculable. Ceux qui soutiennent ceci devraient le prouver et nous faire voir que le mal que chaque pas nous découvre ne découle pas précisément de ce gouvernement tant vanté. Ils devraient faire voir que sous le système actuel les officiers de tous les départements ne sont pas les esclaves de l'administration; que tout, dans les démarches de l'exécutif, ne tend pas à la centralisation du pouvoir et à l'asservissement de la Chambre; ils devraient démontrer, enfin, qu'en prenant les shérifs pour officiers-rapporteurs, ils ne les mettent pas entre leur conscience et leur devoir.

L'hon. procureur général, s'éloignant toujours des principes pour ne s'attacher qu'aux personnes, a fait allusion à la circonstance que j'avais blâmée la nomination de M. Delisle comme officier-rapporteur. Il nous a dit que ce monsieur avait fait son devoir, et qu'il avait déjà été nommé officier-rapporteur par l'administration précédente. Je lui réponds: vous aviez blâmée l'administration précédente de l'avoir nommé à cette charge et aussitôt que vous avez été au pouvoir, vous avez fait la même faute, et cela contrairement à vos protestations passées. M. Delisle, parce qu'il était officier-rapporteur, n'aurait jamais dû être choisi pour un pareil emploi. Je n'ai rien dit contre ce monsieur, que je considère comme ayant bien rempli son devoir. Il n'y a pas faute pour lui d'avoir accepté cette charge, mais il y en avait beaucoup chez ceux qui tiraient ainsi des hommes des cours de justice, qui les arrachaient ainsi à leurs devoirs particuliers, pour les forcer à prendre part aux affaires publiques. C'est une chance, un pas hasard, s'il s'est bien conduit. Vingt autres, dans sa position, eussent probablement mal agi. Les protestations faites contre l'administration précédente à cause de sa nomination sont une cause de blâme doublement mérité pour l'administration actuelle.

L'hon. membre pour Shefford, représentant en chambre le conseil exécutif durant son absence, avait justement reconnu l'an dernier le danger qu'il y a de placer ainsi les gens entre leur devoir et leur intérêt. Si j'eusse pu croire, dit-il, que mes amis se rendissent jamais coupables d'une pareille faute, je les aurais immédiatement abandonnés et je n'aurais jamais excusé un pareille nomination! Mais au même moment la même faute est commise sous ses yeux et n'ouvre la bouche aujourd'hui que pour l'excuser. Eh! bien, je dis que c'est cette contradiction chez nos ministres entre leur professions de foi et leurs actes qui me justifie et qui doit empêcher qu'on puisse dire que je ne veux que jeter du mépris sur mes concitoyens, comme vient de le dire un homme qui se regarde comme le Jupiter du pays. Je crois, qu'il n'y a rien dont il puisse se targuer, mais qu'il présente à l'approbation de cette Chambre comme pour les lui imposer. Il n'a pas droit de vouloir arrêter la manifestation de l'opinion individuelle de qui que ce soit, parce que le hasard ou les circonstances ont pu le couvrir du manteau de l'autorité. Il m'accuse de lancer des reproches sur mes compatriotes, parceque je prétends qu'on devrait chercher dans les conseils des municipalités pour choisir nos officiers-rapporteurs ou les laisser élire par le peuple. Il dit que je l'ai forcé à dire une chose pénible, c'est qu'il y a des maires qui ne sont pas assez instruits pour remplir les devoirs des officiers-rapporteurs. Mais y a-t-il là de quoi nous faire rougir? N'aurait-il pas mieux fait de ne rien dire que de faire usage de ces pauvres raisonnements:--Il y a des maires qui ne savent ni lire ni écrire? mais à qui donc la faute? ne pouvait-il pas faire voir que toute la faute en appartient au gouvernement? Ne pouvait-il pas rappeler que ce n'a été qu'après de longues et pénibles contestations que la Chambre d'Assemblée de Bas-Canada a pu réussir à forcer le gouvernement à sanctionner une loi des écoles et que d'une dizaine d'elles, le nombre s'en est élevé à une centaine du moment que ce bill a été passé? Eh! quand bien même il se pourrait qu'encore aujourd'hui il se trouverait des maires qui ne fussent pas qualifiés, qu'est-ce que cela peut prouver contre mon avancé? Je n'ai pas dit qu'il fallait que ça fût toujours les maires qui fussent choisis. J'ai dit seulement qu'il fallait mieux que ce fut eux que des officiers dépendants de l'exécutif, que si dans quelques cas on ne pouvait les choisir, les conseils des municipalités de comté pouvaient avoir le droit qui doit toujours rester au peuple--de choisir ces officiers-rapporteurs.

Dans les détails de ce bill on ne se met nullement en garde contre des abus qui ont existé ici depuis longtemps. On ne se met nullement en garde contre l'habitude où étaient les candidats de faire transporter les électeurs à leurs frais au lieu où se donnaient les voix. Cela doit être regardé comme un moyen de corruption qui doit être réprimé; il n'y a aucun moyen pris pour remédier à cette abus. On donne ainsi un avantage indu à celui qui est riche contre celui qui ne l'est pas. Le principe du bill dans son entier me paraît si vicieux que je préférerais son renvoi à un jour éloigné, s'il n'y avait pas moyen de faire disparaître les vices dont il fourmille, s'il n'y a pas moyen de remplacer les officiers-rapporteurs par des personnes choisies par le peuple et agissant en son nom. Il faut que le peuple prenne part aux affaires; c'est le meilleur moyen d'assurer l'élection libre de ses représentants. Le conseil des municipalités, au défaut de l'élection directe adoptée par tous les pays bien constitués, devrait choisir les officiers-rapporteurs. Ça serait un premier pas vers un ordre de chose désirable que nous avons droit d'attendre de nos ministres,

si l'on veut que le gouvernement responsable puisse signifier entre (sic) chose que le démoralisation de tous les officiers publics par la sentiment de la prudence dans laquelle les tiennent les membres de l'administration du jour.

L'hon. membre nous dit, que parce que nous n'avons pas essayé autrefois de remédier au défaut de la loi qui laissait au gouverneur le choix des officiers-rapporteurs, nous ne devons (sic) pas aujourd'hui penser à faire un pas en avant, que ce qui était bon alors doit continuer à être bon aujourd'hui, et que c'est mal de demander à l'administration l'extirpation d'un pareil abus. On a obtenu, à ce que l'on dit, plein pouvoir de législater comme l'on veut sur les affaires locales du pays, cependant il ne faut rien demander. Mais je dis que nos ministres non ministres seulement n'essayent pas à améliorer notre condition, mais la font pire en nommant les shérifs comme officiers-rapporteurs. Ils disent que non. Ceux qui feront mal, disent-ils, seront à leurs dispositions. Ils seront condamnés; mais par qui? Ils seront condamnés par ceux qui auront souffert de leur malversation, mais soutenus pas l'administration, par ceux à qui leur malversation aura fait profité.

Faisant ensuite allusion aux malheureux événements de 1832, l'hon. procureur général s'écrie: si l'officier-rapporteur avait été un homme qui eut une place sous le gouvernement, il aurait craint de perdre cette place, et n'aurait pas agi, comme il l'a fait, et je n'aurais pas vu mes compatriotes tomber à mes côtés. Mais l'hon. membre sait bien que l'excitation du temps était telle qu'aucune considération n'eut pû empêcher les gens de tomber dans les fautes où ils sont alors tombés; que bien des gens indépendants de toute manière se sont alors laissés entraîner par leurs passions. Ne se souvient-il pas que le coronaire du temps, quoiqu'averti par moi et par d'autres qu'il devait choisir un nombre de jurés pour rendre son verdict, prétendit que ce n'était pas nécessaire, quoiqu'il sut le contraire, et que néanmoins il a été déclaré innocent? Et s'il a agi ainsi, qui ne sait que c'était qu'il était plus sûr de conserver sa place en agissant mal, qu'en agissant bien.

Je ne crois pas qu'on fasse regarder comme un argument bien fort, l'avancé de l'hon. procureur-général qui dit que c'est insulter le pays que de trouver dans les mesures du ministère un manque de principe déplorable. De pareilles prétentions ne sont pas de mise. Les personnalités pour moi sont sans poids; aussi je n'y répondrait qu'en demandant à l'hon. membre, s'il peut prendre sur lui de dire que ce n'est pas un principe juste que celui que j'émetts, quand je dis que les officiers-rapporteurs doivent être pris parmi les officiers des municipalités ou bien nommés par le peuple? S'il peut citer un seul pays où les officiers-rapporteurs sont pris parmi les shérifs sans que cela ait de mauvais effets, sans que l'indépendance de la Chambre en souffre, je consens à être avec lui. Il ne trouvera pas cet exemple. Il persistera néanmoins dans sa demande, car si en Angleterre les ministres sont toujours prêts à défendre les privilèges de la Chambre, en Canada le cabinet ne cherche qu'à asservir la représentation et à lui arracher ses privilèges; et je dis qu'en cela rien ne saurait excuser ses actes.

Le principe de ce bill étant mauvais, et tout détail en étant vicieux, je dis qu'il doit être renvoyé à un comité spécial plutôt qu'à un comité général, parceque sa révision demanderait beaucoup d'altération, de travail. Alors l'hon. procureur général de s'écrier: quoi! voulez-vous donc toujours à redire sans rien faire? Mais j'étudie les effets admirables du gouvernement



responsable, j'étudie l'interprétation qu'on lui donne.

Je suis frappé tous les jours du sens qu'on lui attribue quand surtout l'on nous dit que nous devons toujours supporter les mesures bonne ou mauvaises de l'administration de peur de renverser le ministère. Nous l'avons élevé, il faut nécessairement le soutenir. Je dis que c'était s'abaisser que d'entretenir de pareils sentiments. C'est se faire esclave que de se déclarer ainsi les outils d'un ministère quelconque. Il n'est pas donné à un seul corps d'hommes de pouvoir administrer un pays sans quelques erreurs. Or quand ici ces erreurs paraissent, que l'indépendance de cette Chambre se montre en cherchant à découvrir la vérité, que le ministère ne soit loué ou blâmé que selon les circonstances, on peut blâmer le ministère sans vouloir le renverser.

L'hon. membre dit qu'il n'a pas de doute que quand il sortira de charge, je pourrai être appelé à prendre sa place. Je puis lui assurer que tant que je verrai le gouvernement dans l'état où il est aujourd'hui, je n'aurai aucun désir de participer au pouvoir. Je désire qu'un parti indépendant se forme dans cette Chambre pour prononcer sur les mesures qui nous seront présentées, sans considérer de qui elle viennent, mais uniquement leur plus ou moins de sagesse; sans considérer enfin qui est au pouvoir ou qui n'y est pas. Je ne vois pas quel bien on peut attendre d'un ministère qui veut que nous soyons aveuglés sur ses fautes. Toujours, je ne lui donnerai mon appui que quand ses mesures seront bonnes, non pas parcequ'il est au pouvoir, mais parcequ'il est de mon devoir d'appuyer toute bonne mesure qui nous est présentée. Je donnerai toujours mon appui à une bonne mesure sans considérer de qui elle vient, sans en présenter moi-même. Ce n'est pas dans une Chambre qui admire tous les résultats de l'acte d'Union et aide à la conduire à son but. Quand je vois que cet acte, par l'entremise de nos ministres, ne fait que conduire à l'abaissement de mes compatriotes, je ne crois pas devoir prendre part à leur mesure.

Je proteste contre ce que je crois mauvais, et je pense que c'est assez pour les forcer à faire moins de mal qu'ils en feraient autrement. Cela suffira aussi, j'en suis persuadé, pour amener dans cette chambre des hommes plus indépendants, moins serviles que ceux qui y sont aujourd'hui. En terminant, je le répète, je ne répondrai jamais aux personnalités. Je discuterai les questions et ce n'est que sur ses mesures que je désire que l'administration soit jugée. J'examinerai ses mesures non pas pour leur causer de l'embarras, mais parce que je vois qu'il est de devoir de tous les membres de cette chambre de voir à ce qu'on ne passe ici que de bonnes mesures, et de donner son opinion sur tous les sujets qui se présentent devant nous. Je veux demeurer indépendant de tous les partis et exprimer mes opinions, sans égard pour qui que ce soit. Voilà ma politique.<sup>32</sup>

MR. AT. GEN. LAFONTAINE ((said)) a few words.<sup>33</sup>

MR. J. BOULTON would say a few words on the bill so far as it related to Upper Canada.<sup>34</sup> ((He)) would not make any remarks about the Returning Officers of Lower Canada. He did not think that the Government were particularly wedded to any<sup>35</sup> particular class of persons to be Returning Officers, all they desired was to have the best persons. Now, if it should be regarded as necessary under the Union Act that the Returning Officer for each county should be dominated on any particular occasion by the Governor General, he (Mr. Boulton) apprehended it should be more desirable that the Returning Officer should be an office-holder, than any indifferent individual-- Not because he was disposed to support office-holders being placed in a

position entailing on them a very great responsibility, but because they were persons who had something to lose by removal from office if they behaved improperly. But a great and most important branch of the duty of the Returning Officers was to be found in the subordinate system which had been adopted of late of having Deputy Returning Officers--the deputies had much more power to do wrong than the principal Returning Officer. He (Mr. Boulton) had not read the bill, and did not know the details of it sufficiently well to express a decided opinion upon its general merits, but with regard to Returning Officers he thought it most important that persons should be selected free from every suspicion of being influenced by any party consideration.--Everybody was more or less influenced by party feelings, therefore no person could be appointed entirely free from such feelings and predilections. If the appointment was to be left in the hands of the Government of the day, they would naturally appoint persons of their own way of thinking; but if persons who were officially in a position to fulfil the functions of Returning Officer were appointed, there was much less likelihood of their all being of one class of politics. (Hear, hear.) He was inclined to the opinion, and he believed it was the opinion of the majority of the people of Canada West, that the Returning Officer should be the principal functionary of the County, whatever he was to be called under the new municipal system, and the Deputies be the principal functionaries of<sup>36</sup> the County--the Town Warden or Town Clerk. All of these may have some particular bias; but some will be one way and some another, so that, on the whole, it will be fair.<sup>37</sup> These were matters, however, which would be decided in Committee. As far as he (Mr. Boulton) understood the measure, this was not one of the branches considered by the Government as one of the leading principles of it, and he hoped therefore they would avail themselves of his (Mr. Boulton's) suggestion. He did not know enough of Lower Canada to say anything of the bill as it applied to that part of the Province, but he should support whatever the hon. members from that section thought best.<sup>38</sup>

MR. AT. GEN. BALDWIN, before the question was put, would observe that the propositions of hon. gentlemen were merely matters of detail, and voting for the Bill to go into committee would not pledge them to it. The principle of the amendment of the hon. member for Sherbrooke had not been lost by him (Mr. B.) or his hon. friend in framing the Bill--<sup>39</sup> If hon. gentlemen had referred to the proceedings of Parliament during the last four years, they would find that several attempts had been made, to introduce a Registration Law, and they had all failed; and although he would admit that nothing could be more desirable, it could easily be seen that the expenses necessary for registering the votes would be so enormous,<sup>40</sup> both for the electors and candidates in preparing for the contest,<sup>41</sup> that it could not be carried into effect, and had always been found an insuperable objection. In fact, even in England, where their means are much more extensive than any that can be commanded in this country, although the amendments to the Registration Law since the time it was first passed, have been numerous, it is even yet a question whether the benefit derived from it is as great as was anticipated.<sup>42</sup> In this country it would involve so many difficulties, that it ought not to be sanctioned, and which he thought the house would not sanction.<sup>43</sup> However, the hon. gentleman would easily see that he had brought this question forward at an improper time, he ought to have deferred it until the House had gone into Committee. Now, with regard to the Bill itself, it

would be admitted he had no doubt that it was very important to have the whole of the Election Law embodied, and that was what he conceived his hon. friend had succeeded in doing<sup>44</sup>. If hon. gentlemen would take the trouble to read the bill, they would find that it embodied all previous Acts, or as much as of them as was good<sup>45</sup>, adding such provisions as would facilitate the process of holding elections.<sup>46</sup> Polls were to be taken in every township and parish.--<sup>47</sup> The present Election Law, he believed, was approved by hon. members on both sides of the House, but he had not the vanity to suppose that it was perfect, and it was very possible that the bill of his hon. friend was not perfect either, and therefore he would be happy to receive assistance from hon. members on both sides when they go into Committee, for it was always desirable to obtain the wisdom of the whole Legislature<sup>48</sup> and that was the reason for taking it into Committee, that they might have the combined wisdom of the whole.<sup>49</sup> That brought him to an observation of the hon. member for St. Maurice, who wished to have the Bill referred to a Special Committee. He had a very great objection to that mode of proceeding, for every person was aware of the want of attention when the Special Committee presented its report, whereas when the House went into committee the person who introduced the bill had the assistance of every member in the House. An objection had been made to the bill because it did not confer on the Municipal Councils the power of electing the Returning Officers, who would thus be totally independent of the Crown; but it should be borne in mind that the organization necessary for that purpose was entirely wanting in Lower Canada, and in Upper Canada it was so incomplete that it did not warrant any proceeding of the kind. If it were possible to make the organization so complete as to be able to act in that manner, he would not say that he would not give his consent to such a system; but at present he thought the principle they ought to adopt should be to appoint persons to the situation of Returning Officers who would have something more to dread than being sent to gaol for a few weeks, a punishment which has uniformly proved a mockery. What was the position of that House at the present moment? The Government had it in its power to name as Returning Officers those very parties who were the most liable to act in the most corrupt and villanous manner, and have nothing to fear, being taken from the very dregs of society, to put it in their power to manufacture returns, as had been frequently done, and sent men to Parliament who had not the slightest right to appear there. Now, what he wanted was, that the Administration, he did not care who was the head of it, whether it was his hon. friend near him, or whether it was the hon. member for St. Maurice, should have a mark at which they might direct their arrows, instead of going through a mere mockery, to be followed by a public dinner, and a great hurra from one end of the Province to the other. (Hear, hear.) In his opinion, the bill of his hon. friend gave that power. The Returning Officers were to be the Sheriffs, holding some of the most valuable offices in the gift of the Crown. So much the better. They would be less liable to act corruptly, through the fear of being deprived of them. Then there were the Registrars, who, as the hon. member for Norfolk said, were by it almost independent of the Crown, and, therefore, not likely to be controlled; and it would be seen that the bill appointed such officers as were most likely to give correct impartial returns. The hon. member for Norfolk had suggested that the Town Reeve would be better adapted to fulfil the duties of Deputy Returning Officer than the Town Clerk; but in his opinion, that officer would



be nearly always found to be an active partizan of one side or the other, whereas the Town Clerk being generally chosen to fill that situation from his business habits, would, in all likelihood, be less mixed up with political questions. Holding these views, he thought that men of business were best fitted to perform the duties of Returning Officers under the Election Law. He thought the provisions of the bill best adapted to the present circumstances of the country, and perfectly well fitted to guard the Returning officers against the influence of Parliament.<sup>50</sup>

MR. H. SHERWOOD (Toronto) thought much time had been lost in discussing the measure, which he had not expected would have occurred, after what had taken place in the House on the preceding night.<sup>51</sup> They had proposed to limit the time of speakers to one hour. He thought a great deal of time had been spent in discussing whether the House would recommend the amendment of his hon. friend from Sherbrooke to the Committee; and he thought that if the hon. Attorney General, West, had followed the precepts he gave he might have saved a great deal of time. He (Mr. S.) approved of the amendment of his hon. friend, and he thought<sup>52</sup> the discussion should have come on when the Report of the Committee was before the House, and the parts relating to the registration might be then discussed.<sup>53</sup> And if the Committee disapproved of it, they would report against it. He trusted the amendment would be allowed to pass.<sup>54</sup> By adopting the amendment he did not think the House would be pledging itself to establish the principle, at least as he understood the amendment. The hon. member here asked the Speaker to read the amendment<sup>55</sup>.

MR. MORIN the SPEAKER.--That it is an instruction to the said Committee to inquire into, and report upon the expediency of introducing and establishing a sound and effective system for the registration of votes.<sup>56</sup>

MR. H. SHERWOOD.--Just so, that it be an instruction to the Committee to inquire into the expediency of introducing and to report on the same. He maintained that by the House adopting the amendment they would not be adopting the principle of registration.<sup>57</sup> He looked upon the principle of enregistration to be paramount to the Bill<sup>58</sup>. It was a principle which had been called into practice by the passing of the Reform Bill. In fact, it was one of the great principles of that bill, and it was an important principle in England, and had succeeded well.<sup>59</sup> Nothing could better secure the right of election, which at present was discussed before an excited mob, and probably an incompetent Returning Officer. Under the system of enregistration it would be only necessary to put the question of identity.<sup>60</sup>

MR. AT. GEN. LAFONTAINE.--They had no money here to bear the expense necessary to carry such a principle out.<sup>61</sup>

MR. H. SHERWOOD.--Notwithstanding that it was the great principle of the Reform Bill, for by the principle of registration of electors was established, and here where they had parties contending so hotly during elections for the Ministry, he thought it would tend much to settle all those things in a more agreeable and amicable manner; because all matters of dispute were settled by the Revising Barristers, whose decisions were liable to an appeal to the Judge. Such a system allowed great facility to electors in recording their votes, as no questions were put to them at the time of their voting, which required discussion. He wished the instructions to be given to the Committee,

and if it was found to be of advantage, that a clause should be introduced into the bill to that effect.<sup>62</sup>

MR. ASST. COM. P. W. CAMERON said it appeared to him that if the House agreed to the amendment, it must by such a course be pledging itself to the principle of registration.<sup>63</sup>

MR. H. SHERWOOD.--The Committee are only required to report upon it.<sup>64</sup>

MR. ASST. COM. P. W. CAMERON could not see that such a system could be made to work well here, however well it might answer in England. In England the roads were good, and the facilities for travelling abundant; but it was well known that the roads generally in this country were not in a state to allow of parties going twenty or thirty miles to attend on a Registration Court.<sup>65</sup> Its effect would be to disfranchise half the country.<sup>66</sup> If the principle was so good, why had the hon. gentlemen opposite not introduced it while they were in power?<sup>67</sup>

MR. H. SHERWOOD had brought it forward.<sup>68</sup>

MR. ASST. COM. P. W. CAMERON was told by an hon. friend that they intended to bring it forward. They seemed to be fond of introducing measures when they were out which they had not done while they were in office. (Hear, hear.)<sup>69</sup>

MR. BADGLEY said the object of the Registration Bill was to give greater facilities to voters. In London he had known 1200 OR 1400<sup>70</sup> or 12 to 15,000<sup>71</sup> votes recorded<sup>72</sup> in one day<sup>73</sup> and but for such a system they could not get on at all; but with it, they were enabled to take votes as fast as they were offered. He thought such a system might be made to work as well in Canada as in England.<sup>74</sup> He was in favour of the amendment; he would leave it to hon. gentleman from Upper Canada to say if it would be useful.<sup>75</sup>

MR. J. A. MACDONALD (Kingston) said that two minutes ago they had been told, in the blindest tones of the hon. Attorney General, West, that he would be happy to receive suggestions from all sides of the House; and the very first that was offered he would not allow to be considered in Committee. He (Mr. D.) was not prepared to say that enregistration would entirely answer; but he would like to hear it discussed and tried in towns at least.<sup>76</sup>

MR. SOL. GEN. DRUMMOND said, why they would not let it go into Committee was, that the hon. member had chosen his time to discuss it then.<sup>77</sup> ((He)) opposed the amendment on account of the great expense which the adoption of such a principle would entail on the country. The carrying out of the system had cost an enormous sum in England; and here it would cause an expense that the country was quite unable to bear. Hon members ought also to remember that there were many people who took no interest in elections; and were such a clause adopted, it would be placing such parties in an unfair position compared with those who did take an interest in elections, as the expense would fall upon all, although the system would be for the advantage of those only who did vote.<sup>78</sup>

MR. DEWITT would support the amendment. He had seen, under such a system in England, as many as 600 votes taken in an hour.<sup>79</sup> He thought it would be of benefit to the country if the house could adopt it.<sup>80</sup>

COL. GUGY rose .... The cabinet had time to digest all their measures,

but the opposition members had not so much time to condense their thoughts. His amendment contained a principle which had been found to work well in England, it saved a great deal of disturbance and crime and might do so here. With regard to the remarks of the hon. Solicitor General East, he (Col. G.) might have forgotten his parliamentary practice, but yet he thought the present was the only and proper time to introduce it, and he prayed them to allow it to go before the committee. He thanked the hon. member for Beauharnois for his support, and the more so, as he was something of a prodigy, an independent member on that side of the house.<sup>81</sup>

(127)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, DeWitt, Flint, Gagy, Hall, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Lean, Papineau, Prince, Robinson, Sherwood of TORONTO, and Thompson.--(18.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Davignon, Solicitor General Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Seymour, Smith of WENTWORTH, Taché, and Viger.--(40.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be committed to a Committee of the whole House, for Friday next.

Supply.

Mr. Smith, of Wentworth, from the Committee of Supply, reported a Resolution; which was read, as followeth:--

Resolved, That a sum, not exceeding Twenty-nine thousand one hundred and twelve pounds seventeen shillings and tenpence currency, be granted to Her Majesty, for the undermentioned Works on the St. Lawrence Canals, for the year 1849:

Les Galops, removing Coffer Dams, and extending the River

<u>Pier</u> .....	£1900	0	0
<u>Rapide Plat</u> , removing Coffer Dams.....	100	0	0
<u>Farren's Point</u> , removing Coffer			
Carried forward.....	£2000	0	0
Brought forward.....	£2000	0	0
Dams.....	£0	0	0

Cornwall, removing Coffer Dams, and extending Towing-path.....

.....	1200	0	0
Slope-wallling for protection for banks.....	1056	0	0
<u>Beauharnois</u> , construction of Dams, and dredging.....	6400	0	0
Slope-wallling for protection of banks.....	2112	0	0
Spare Gates.....	1500	0	0



<i>Lachine, removing Coffor Dams, and extending Piers.....</i>	2300	0	0
<i>Slope-walling for protection of banks.....</i>	2583	12	0
<i>To complete existing Contracts, and to construct a</i>			
<i>Ditch to remove further claims for damages.....</i>	4641	5	10
<i>General Expenditure on the St. Lawrence.....</i>	4218	0	0
<i>Superintendence and Contingencies.....</i>	1052	0	0
	<u>£29112</u>	<u>17</u>	<u>10</u>

*The said Resolution, being read a second time, was agreed to.*

Indemnification  
Bill (L. C.)

*The Order of the day for the House in Committee on the Bill to provide for the Indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in 1837 and 1838, being read; The House accordingly resolved itself into the said Committee. Mr. Davignon took the Chair of the Committee;<sup>82</sup>*

SIR A. MACNAB said he intended to move several amendments to the bill, and in order that the hon. gentleman opposite might not complain of being taken unaware, he would now read them to them; from the course which the debate had taken upon this question, he did not think it very probable that he would succeed in carrying them and as he had no desire of wasting the time of the House, he would not move them in committee but would content himself with moving them when the Speaker took the chair; and the question of receiving the report was put.<sup>83</sup>

Whilst Sir Allan was reading his amendments, an enthusiastic individual in the Stranger's Gallery shouted "Hear, hear," for which contumacious proceeding he was speedily ejected by the Sergeant-at-Arms.<sup>84</sup>

MESSRS. SHERWOOD, CHRISTIE and ROBINSON also read amendments which they intended to propose when the question of concurrence to the report of the committee was put in the House.<sup>85</sup>

MR. H. SMITH (Frontenac) asked whether it was intended to limit the amount of these Debentures according to the claims of the different claimants, or whether they were to be issued in large or small sums such as the Debentures lately issued?<sup>86</sup>

MR. AT. GEN. LAFONTAINE replied that a Debenture would be issued for each claim.<sup>87</sup>

SIR A. MACNAB thought there was no necessity of making provisions for issuing Debentures at all, it would be time enough to think of doing so, when the Commissioners had made their report, and copies of it had been laid before both branches of the Legislature.<sup>88</sup> They ought to be called upon to appropriate so large a portion of the public money until made aware by a report from the Commissioners what the amount of the claims would be, and what the description of claims they were called upon to pay.<sup>89</sup> If the Commissioners acted properly ... the sum required would be very small. But if the ministry intended to pay those engaged in the Rebellion, there would probably not be sufficient to pay all. It was idle to tell the House that the ministry did not intend to pay rebels, if they did not intend to do so, why could they not allow the Commissioners report come before them and allow the House to know whom it was intended to pay, before the Debentures were

issued, for if they did not intend to pay rebels, there would be no opposition to the measure.<sup>90</sup> Why must they have the money before hand?<sup>91</sup>

MR. H. BOULTON, of Norfolk, said that the sum proposed was intended to pay all the parties who had suffered loss as a whole, that was to say, that it was to be divided amongst them in proportion to their losses; it might be enough to pay the whole losses; or it might only pay 12s. or 15s. a pound, and as no further sum would be granted whether this sum proved sufficient or not, he was for having it settled at once.<sup>92</sup>

MR. H. SMITH of Frontenac--then the House was to understand that the amount now mentioned in the bill, whether it paid the whole claims or only 50 per cent on them, would be all that would be asked for. He would like to be sure, and he would therefore ask<sup>93</sup> if the members of the Government would declare in their places that it was not their intention on any future occasion to come down to Parliament to ask for any further grant?<sup>94</sup>

MR. AT. GEN. LAFONTAINE had no hesitation in declaring that it was not his intention to ask for any further grant; but he begged the hon. member to bear in mind that a similar declaration when, in 1848-5, £40,000 was voted for the payment of Upper Canada losses,<sup>95</sup> before the losses were ascertained<sup>96</sup> although they had afterwards applied for an additional sum.<sup>97</sup> OR He had heard it said that it did actually more than cover the amount of the losses but whether the sum he asked paid the Lower Canada losses in full or not, he had no hesitation in saying that he would not ask for any further grant to pay them.<sup>98</sup>

SIR A. MACNAB again asked why they should issue the Debentures until a report had been made by the Commissioners. It would be much more satisfactory to the House and country to know first the exact nature of the claims they were to pay; if it was only to pay the loyal subjects of Her Majesty, they should have no opposition from him (Sir Allan.)<sup>99</sup>

MR. AT. GEN. LAFONTAINE said that the course which he had taken was the same course which had been followed in former acts for the same purpose. He did not see any reason why they should not follow the same course which had been followed during the last Parliament<sup>100</sup>. In the case of the Upper Canada Act, the Administration had not waited for a report of the Commissioners. The claimants were satisfied as soon as ever the Act was passed.<sup>101</sup>

MR. ROBINSON said he would tell the hon. member what made a great difference between the two measures; there was a difference between the kind of persons to be paid. If the bill had been drawn in the same manner as the former one, there would have been no opposition to it, but by the present bill there was nothing to prevent any person who had been deeply engaged in the rebellion from being paid, and therefore they wished the bill to be more guarded.<sup>102</sup>

MR. AT. GEN. LAFONTAINE asked the hon. member (Mr. Robinson) whether, in the second clause of the Act passed in 1844-45, he found any such expressions inserted, as he desired by his amendment to insert into this Act?<sup>103</sup>

MR. H. SHERWOOD said the preamble of the Act set out by saying that all persons who had suffered loss, unless those who had been convicted or sent to Bermuda, should be compensated for their losses; and when they said that

all persons but those of such a class were to be paid, it was clear that they intended to pay all others. The act was plain, and there was no use to discuss it further, or to ask for information from the members opposite as to what it meant, the words were plain, and their meaning easily understood. It was intended by the Bill to compensate the losses of those who were engaged in the Rebellion, and that was the reason he voted against the Bill because he did not think that any should be paid who had taken part in the Rebellion. By the Upper Canada Act, it was never intended to pay any but Loyalists and so well was that understood that it never entered into the minds of any rebels to file claims. But the hon. gentleman had gone further and said they intended to pay all claims but those of a certain class--those who had been convicted or sent to Bermuda. There was another clause in the Bill which not been discussed, and which appeared to him to be very exceptionable, it was that one which gave the Commissioners power to inquire into the losses sustained from the troops. He thought that by this clause a person who was sent to Bermuda, might assign his claim to another person, and that person might claim compensation for the property destroyed. That was to say, that if any property belonging to a person transported to Bermuda was destroyed by the troops during or after the Rebellion, there was nothing to prevent another person going forward and claiming compensation for the property destroyed, as the assignee of the person to whom it belonged--so that although such a person as the member for Richelieu might not claim in his own behalf, a claim could be made by his assignee.<sup>104</sup>

COL. PRINCE said that it appeared to him and it must also do so to a great many members of the House, that there was some very strong doubts existing among members in the House, and among the people of the country, as to the description of sufferers whom the Act was to benefit. And an answer to one or two questions which he would put to the hon. and learned Attorney-General, East, would much oblige him, (Col. P.) and would prove exceedingly satisfactory to the House. Would the hon. member satisfy them as the description of parties whom he intended to pay? He (Col. P.) would not put the question, without showing the grounds upon which he put it. The hon. member said that the £40,000 paid to Upper Canada was sufficient to pay all the claims there, but it turned out that it was not sufficient by about £3000; but if all the claims which were filed before the Commissioners had been paid, £50,000 would not have been sufficient. And why did £40,000 pay claims amounting to over £150,000? it was because the Commissioners took good care not to indemnify any person who had taken any part either directly or indirectly in the rebellion. And, as unpalatable as the measure was, it was rendered more so because the country did not know what class of persons was to be paid. He was much surprised that in the District from which he came, and where there were a good many French Canadians, that the measure did not attract more attention than it appeared to him to have done; but an event had lately occurred which showed him what the public opinion in that part of the country was. A county meeting was convened at Amherstburg by the Sheriff, upon a numerous requisition, and the meeting was very numerously attended. He had an account of it sent to him, but he would not read it, but he would read the resolutions which were not only passed, but passed unanimously, and not only by the Anglo-Saxon portion of the people



but by the French-Canadians which was the most numerous portion of the population there. A copy of the Resolutions had been sent to the Governor General, and he (Col. P.) hoped that His Excellency had received them and if he had read them and digested them well, and if he had received similar resolutions from other parts of the country; then he (Col. P.) thought that the reign of the hon. members opposite would not be very long, but that His Excellency would appeal to the people of the country against those nefarious and unjust Resolutions. The hon. member here proceeded to read the Resolutions, a copy of which will be found in another column. Now, the hon. member said, the parties who attended that meeting, and who were men and boys or children, told the House that they would not submit to the measure. This was strong language, and why did they say so? It was because that there was an impression on their minds that Rebels were going to be paid although they had not been told whether they were going to be paid or not; and he (Col. P.) was therefore desirous of putting one or two questions to the Attorney General, and to which he hoped that satisfactory answers would be given, so that he (Col. P.) might be able to inform his constituents when he saw them in a few days, whom it was intended to pay.<sup>105</sup> The questions were whether those who aided and abetted the rebellion--those who had confessed, and then been pardoned, and the eight hundred sent to gaol and afterwards liberated, were to be paid?<sup>106</sup>

MR. AT. GEN. LAFONTAINE said that the same questions had been asked and answered so repeatedly during the course of the long debate on this subject, that he could not conceive why they were put again, without it was intended to revive the debates.<sup>107</sup>

COL. PRINCE would then assume that the hon. gentleman refused to answer.<sup>108</sup>

DR. NELSON wished it to be distinctly understood that he and his compatriots had not made any confessions to Lord Durham. They had been extremely guarded in their statements, and had never made the admission alluded to by hon. gentlemen opposite. He would never make such an admission, even on his death bed.<sup>109</sup>

Several of the Resolutions were then put and carried.<sup>110</sup>

MR. ROBINSON wished to amend one of the sections so as to limit the remuneration to be given to the Commissioners to £4 per day.<sup>111</sup>

MR. BOULTON said he had an amendment drawn up by which they would be allowed a sum not exceeding 25s. a day.<sup>112</sup>

MR. AT. GEN. LAFONTAINE said that there was no necessity for an amendment, it was intended to give them the same amount as the former Commissioners--namely £4 a day.<sup>113</sup>

The amendments were withdrawn.<sup>114</sup>

MR. BOULTON moved an amendment to the 12th clause, to the effect that the sitting of the Commissioners be public.<sup>115</sup>

It was agreed to.<sup>116</sup>

The other Resolutions after a few verbal alterations were put and carried.<sup>117</sup>

(127)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Davignon reported, That the Committee had gone through the Bill, and made amendments thereunto.

And the Question being put, That the Report be now received;

MR. AT. GEN. LAFONTAINE moved, that the report be then received.<sup>118</sup>

This was objected to by SIR A. MACNAB and MR. H. SHERWOOD who contended that a report by which money was voted could not be received the same day upon which the Committee sat.<sup>119</sup>

MR. MORIN the SPEAKER.--said, if the money had been voted by the committee which had just risen, the report could not be received until next day; but as the grant originated in the former committee, he thought the report could be received.<sup>120</sup>

(127)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of TWO MOUNTAINS, Taché, Thompson, and Viger.--(43.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Guay, Johnson, Macdonald of KINTSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(19.)

So it was resolved in the Affirmative.

Mr. Davignon reported the Bill accordingly; and the amendments were read.

The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Question be now separately put upon each of the said amendments;

SIR A. MACNAB said, that he would not take up the time of the House in making any observations in support of his amendment, which he merely moved for the purpose of having his views recorded upon the Journals. He would when the Bill came up for a third reading, take an opportunity of renewing his objections against the measure.<sup>121</sup>

(127)

Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be recommitted to a Committee of the whole House, for the purpose of making the following amend-

(128)

ments thereto:--

Folio 2. Leave out Clause No. 1.

Folio 3. Leave out Clause No. 2.

Folio 4. Line 26, Clause No. 7. After "that I" insert "bear and have always borne true allegiance to Her Majesty, and did not directly or indirectly take part in the unnatural Rebellion against Her authority in year 1837 or 1838, or at any other time, nor did I aid or abet any person or persons in such Rebellion, or refuse or neglect to do my utmost endeavours to put down the same; and I swear that I."

Folio 5. Leave out Clause No. 9.

Folio 5. Lines 36 and 37, Clause No. 11. Leave out "subjects and other residents" and insert "loyal subjects in."

Folio 7. Line 3, Clause No. 13. After "claim," insert "and no claim shall be received by the said Commissioners unless they shall be satisfied by the oath of the claimant, or of some competent witness or witnesses, that the claimant, or if he be dead, the party for whose losses compensation is claimed, is or was a subject of Her Majesty, and did not, directly or indirectly, take part in the unnatural Rebellion in the year 1837 or 1838, or aid or abet any persons concerned in such Rebellion, or refuse or neglect to do his duty as a loyal subject to put down the same."

Folio 7. Line 30, Clause No. 14. Leave out from "respectively" to "them" in Line 43.

Folio 2. Line 8, Preamble. Leave out from "authority" to "thereof" in Line 32, and insert to the end that, after a report stating the result of such inquiry shall have been submitted to the Governor of this Province by the Commissioners appointed to make such inquiry, and shall by the Governor have been laid before both Houses of the Provincial Legislature, provision may be made for the payment of such of the said losses as shall have been sustained by loyal subjects of Her Majesty who have not heretofore received compensation for the same."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

#### YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugu, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)

#### NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Taché, Thompson, and Viger.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

MR. H. SHERWOOD (Toronto) moved a similar amendment, in order that



certain clauses which he wished to be inserted in the Act should appear on the Journals of the House<sup>122</sup>.

(128)

The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Mr. Boulton, of Toronto, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be recommended to a Committee of the whole House, for the purpose of making the following amendment thereto:--

"Preamble. Leave out all the words after "Whereas" and insert on the 28th day of February, 1845, an humble Address was adopted by the Legislative Assembly of this Province, and by them presented to the Right Honorable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying "that His Excellency would be pleased to cause proper measures to be adopted in order to ensure to the Inhabitants of that part of this Province formerly Lower Canada, indemnity for just losses by them sustained during the Rebellion of 1837 and 1838:" And whereas the term "just losses" meant, and was intended to mean, the losses of such persons who upon that occasion maintained their allegiance to Our Most Gracious Sovereign, and not of such as were in any manner implicated in the said unnatural Rebellion: And whereas in pursuance of the said Address, a Commission of five persons was, on the 24th November, 1845, by His Excellency the said Governor General, duly appointed to enquire into the losses sustained by Her Majesty's loyal subjects of Lower Canada aforesaid, during the late unnatural Rebellion which unhappily existed in that part of the said Province of Canada, and growing out of the said Rebellion: And whereas it appears by the Report of the said Commissioners, dated the 18th April, 1846, that "the want of power to proceed to a strict and regular investigation of the losses in question, left the Commissioners no other resource than to trust to the allegations of the complaints as to the amount and nature of their losses:" And whereas in order to indemnify the said loyal inhabitants for such losses, it is necessary and just that the particulars of such losses not yet paid and satisfied, should form the subject of more minute inquiry under Legislative authority, and that the same so far only as they may have arisen from the total or partial destruction of the dwellings, buildings, property and effects of the said loyal inhabitants, and from the seizure, taking or carrying away of their property and effects, should be paid and satisfied."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugy, Hall, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin,

Attorney General LaFontaine, Laterrière, Lemeux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(45.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

The Honorable Mr. Robinson moved in Amendment to the Question, seconded by Sir Allan N. MacNab, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be recommitted forthwith to a Committee of the whole House, for the purpose of making the following amendment thereto:--

(129)

"Folio 2. Line 29, Preamble. After "Bermuda" insert "nor any person who was in any matter implicated in the said Rebellion, or who refused when called upon to aid in suppressing it."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gagy, Hall, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, and Stevenson.--(21.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(45.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Mr. Boulton, of Toronto, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be recommitted to a Committee of the whole House, for the purpose of making the following amendments thereto:--

Folio 2. Line 36, Clause No. 1. Leave out after the word "Debentures" to "at" in Line 38.

Folio 2. Line 41, Clause No. 1. Leave out "payable out of the said Fund."

Folio 2. Line 45, Clause No. 1. After "mentioned" add the words "And provided also, that the said Debentures shall be issued on the security of, and be made payable out of the proceeds arising from the issuing of Tavern Licenses in Lower Canada, and the Fees receivable in Lower Canada upon Marriage Licenses."



And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)

## NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(47.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

Mr. Christie moved in amendment to the Question seconded by Mr. Prince, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be recommitted to a Committee of the whole House, for the purpose of inserting the following Clause between the 10th and 11th Clauses of the said Bill:--

"Provided always, and be it enacted, That no claim for any loss alleged to have been sustained through or by reason of the Rebellion in Lower Canada, in 1837 and 1838, or of either of them, shall be entertained or investigated unless the claim preferred be, on the presentation thereof, accompanied by a written affidavit, or attestation on oath, of the claimant before the said Commissioners, or some one of them, which oath they are and of them hereby is authorized and required to administer, that he in no respect aided, abetted, joined, took part, nor directly or indirectly participated in the said Rebellions, nor in either of them; and in the case where the claim preferred shall relate to the estate or succession of any deceased person, and whose decease may have taken place since the Rebellion or Outbreak in the year 1838, the claim shall not be entertained nor investigated unless it be accompanied by an affidavit, or attestation on oath, of the legal representative, or of the nearest relation of the deceased person with respect to whose estate or succession such claim is preferred, or of some other respectable person residing in the parish, township or settlement wherein the deceased person may have resided during those Rebellions, that to the best of the deponent's knowledge and belief the deceased person in whose name, or for whose estate and succession the claim is preferred, took no part openly or covertly in either of the said Rebellions, nor aided, abetted, or joined therein directly or indirectly."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell,



M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(19.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Ferguson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Prince, Savageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Viger.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

The Honorable Mr. Macdonald moved in amendment to the Question, seconded by the Honorable Mr. Cayley, That all the words after "That" be left out, and the following words added instead thereof: "The said Bill be recommitted forthwith to a Committee of the whole House, for the purpose of making the following amendment thereto:--Folio 2. Line 29, Preamble. After "Bermuda" insert or who by their written confession admitted their participation in the said Rebellion."

And the Question being put on the Amendment; the House divided: and

(130)

names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(20.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Ferguson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Savageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Thompson, and Viger.--(46.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

Mr. Gugy moved in amendment to the Question, seconded by Mr. M'Connell, That all the words after "That" be left out, and the following words added instead thereof: "the Bill be recommitted to a Committee of the whole House, for the purpose of making the following amendment thereto:--Folio 2. Line 45, Clause No. 1. After "mentioned" add the words "Provided always that no Debentures chargeable on the Consolidated Revenue Fund, be issued under or by virtue of any of the enactments or provisions in this Act contained, until the Public Debts for payment of which the said Revenue Fund is pledged, be fully and entirely discharged and extinguished."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as follow:--

## YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(17.)

## NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Scott of BYTOWN, Smith of WENTWORTH, Taché, Thompson, and Viger.--(45.)

So it passed in the Negative.

And the Question being again proposed, That the Question be now separately put upon each of the said amendments;

MR. CAYLEY said that he was anxious that the money necessary for completing the public works should be obtained previous to the issue of the Debentures, and he would therefore move an amendment to that effect.<sup>123</sup>

(130)

The Honorable Mr. Cayley moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" be left out, and the following words added instead thereof: "the said Bill be forthwith recommitted to a Committee of the whole House, for the purpose of making the following amendment thereto:--Folio 2. Line 45, Clause No. 1. After "mentioned" add the words "Provided always that no Debentures shall be issued under this Act, until all sums authorized to be raised on the credit of the Province for the completion of Public Works and Improvements shall have been obtained."

MR. ASST. COM. P. W. CAMERON (Kent) said it was exceedingly pleasant to him, as he had no doubt it was to the whole country, to see hon. gentlemen opposite tender their assistance so readily for the purpose of perfecting the bill. The House had been horrified a few days ago with threats of resisting the payment, even if they lost their arms and legs in doing so, and their spirit appeared to have travelled west, to judge from a flaming proclamation, which he (Mr. C.) now held in his hands, printed in red letters affirming that certain parties would sooner die than pay rebels; but all that had passed away, and he was delighted to see that hon. gentlemen opposite were just as anxious as himself and his hon. friends for the payment of those just losses.<sup>124</sup>

SIR A. MACNAB hoped that the sneers of the hon. gentlemen would be fully appreciated by the people of the west. It would, no doubt, be very gratifying to them to know the slight value the hon. gentlemen put on their opinions. He and his hon. friends were merely taking that course which would enable them to place their opinions on the Journals of the

House for future reference, causing as little delay as possible at the same time, for he must know that it was in their power to have debated these amendments for hours, aye, days, in committee, if they choose to do so.<sup>125</sup>

(130)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(16.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Viger.--(47.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Nerriett, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(46.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Gugy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(17.)

So it was resolved in the Affirmative.

And the Question being separately put upon each of the said Amendments, they agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Municipal  
Corporations  
(U. C.) Repeal  
Bill.

The Order of the day for the second reading of the Bill to repeal the Acts in force in Upper Canada relative to the establishment of Local and Municipal Authorities, the regulation of Highways, the Assessment and collection of local Taxes, and other matters of a like nature, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday, the twentieth instant.



Common School  
Education Bill.

*The Order of the day for the second reading of the Bill to raise an income of One hundred thousand pounds out of the Public Lands of Canada, for Common School Education, being read;*<sup>126</sup>

MR. COM. CR. LANDS PRICE moved the second reading of a Bill to raise an income from the public lands for common schools. He observed that it was a subject on which the country must feel the strongest interest in (sic), and he would not waste the time of the House by dwelling on it further than briefly stating its objects.<sup>127</sup> It was well known that at present £50,000 a year were voted for the support of Common Schools, and the object of the bill was, without touching that £50,000, to set apart 1,000,000 acres of the Crown Lands for the purpose of raising a further sum of £100,000, either by sale or lease. The lands to be set apart for this purpose might not be at present worth more than two dollars an acre, but they would increase in value, and might in time be worth £2 10s. an acre. He thought it but justice that such lands should be now set apart, in order that no Government could hereafter use them for any other purpose, as it would be impossible to alienate them from the object for which they were set apart.<sup>128</sup> It had been found of importance to set apart land for specific purposes.<sup>129</sup> He believed that the surveyed lands belonging to the Province amounted to between three and four millions of acres, and if the necessary number of acres were not appropriated no (sic), they might be diverted; and no land being set apart for the support of Common Schools, the people would come to Parliament for grants of money. It might be a long time before the £100,000 could be raised, but however distant it might be,<sup>130</sup> it was their duty to legislate for their children and grand-children.<sup>131</sup> They had a right to legislate for the future. As he did not anticipate any opposition, he moved that the order of the day be read for the second reading of the bill.<sup>132</sup>

MR. J. MACDONALD (Kingston) thought it a very worthy Bill.<sup>133</sup>

MR. THOMPSON did not rise to oppose the Bill, but he<sup>134</sup> wanted to know whether the Administration were going to be honest before they were generous. They were about to set apart a large portion of the public lands and if they acted fairly they would redeem the faith of the Imperial Government, pledged to the U. E. Loyalists. It would be merely an act of justice to pay the few claims that are still out-standing.<sup>135</sup>

MR. CARTIER would speak not to oppose the measure, but to tender his best thanks to the Ministry for it, and at some length, proceeded to do so.<sup>136</sup>

MR. PRES. EX. COUN. MERRITT said that there was a provision in the bill which he thought would meet the hon. member's views, as it excluded, for one year, the time for application for any lands when the rights were acknowledged; but he hoped that the honble. gentleman did not wish to extend the time for new claims, that was open long enough.<sup>137</sup> ((He)) hoped that his hon. friend would withdraw his objection, as he wanted that Bill to pass without opposition.<sup>138</sup>

MR. THOMPSON merely stated that the faith of the Government had been pledged to them, and that it ought to be kept.<sup>139</sup>

The motion was carried without division.<sup>140</sup>

(130)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

MR. AS. COM. CR. LANDS PRICE ((moved)) the House ... into Committee of the whole on the said Bill.<sup>141</sup>

(130)

Resolved, That this House will immediately resolve itself into the said Committee.

*The House accordingly resolved itself into the said Committee.*

*Mr. Smith, of Durham, took the Chair of the Committee; and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Smith, of Durham, reported, That the Committee had gone through the Bill, and had directed him to report the same, without amendment.*

(131)

Ordered, That the Bill be engrossed.

Crown Lands  
Protection Bill.

*The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to explain and amend an Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, "An Act for the protection of the Lands of the Crown in this Province from trespass and injury," and to make further provision for that purpose," being read;*

MR. AT. GEN. BALDWIN moved that the Bill to amend the Act of Upper Canada to protect lands of the Crown from trespass be read a second time.<sup>142</sup>

(131)

*The Bill was accordingly read a second time.*

MR. AT. GEN. BALDWIN ((moved)) ... it be read a third time to-morrow.<sup>143</sup>

(131)

Ordered, That the Bill be read the third time to-morrow.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

*Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,*

*The House adjourned.*

APPENDIX: 6 MARCH 1849.

((NOTIFICATION OF FUTURE LEGISLATION ON MUNICIPAL BILL AND ELECTION BILL.))<sup>144</sup>

MR. AT. GEN. BALDWIN stated for the information of hon. members, that on the next Government day (Friday) they should propose the second reading of the Municipal Bill, and go into Committee on the Election Bill.<sup>145</sup>



FOOTNOTES: 6 MARCH 1849.

1. The debate on this matter was reported by: PILOT, 7 March 1849, PACKET, 10 March 1849, and GLOBE, 17 March 1849, in identical accounts; and MONTREAL GAZETTE, 7 March 1849.
2. MONTREAL GAZETTE, 7 March 1849.
3. PILOT, 7 March 1849.
4. MONTREAL GAZETTE, 7 March 1849.
5. PILOT, 7 March 1849.
6. MONTREAL GAZETTE, 7 March 1849.
7. IBID.
8. PILOT, 7 March 1849.
9. This matter was reported by: PILOT, 7 March 1849, copied by BROCKVILLE RECORDER, 15 March 1849, PACKET, 10 March 1849, and GLOBE, 17 March 1849, in identical accounts. A commentary may be found in LA MINERVE, 8 March 1849.
10. PILOT, 7 March 1849.
11. The debate on this matter was reported by: PILOT, 7 March 1849, copied by BROCKVILLE RECORDER, 15 March 1849, and GLOBE, 17 March 1849, in identical accounts, except that GLOBE omitted Papineau's speech; MONTREAL GAZETTE, 7 March 1848, HAMILTON SPECTATOR, 17 March 1849, BRITISH COLONIST, 16 March 1849, in identical accounts, except that BRITISH COLONIST abbreviated a few speeches; and L'AVENIR, 21 March 1849. PILOT, 7 March 1849, gave a brief outline. LA MINERVE, 8 March 1849, and LE JOURNAL DE QUEBEC, 10 March 1849, noted the debate. The PILOT, 7 March 1849, noted: "In consequence of the illness of our French Reporter, it is impossible for us to give anything like a full report of the debate on the second reading of the Bill to amend the Election Law." The HAMILTON SPECTATOR and GLOBE will be used instead of the MONTREAL GAZETTE and PILOT wherever necessary.
12. PILOT, 7 March 1849. The HAMILTON SPECTATOR wrote that its reporter could not hear what LaFontaine said "from the low voice in which he spoke, and hon. members talking immediately under the reporter's box."
13. HAMILTON SPECTATOR, 17 March 1849.
14. L'AVENIR, 21 March 1849. L'AVENIR did not report this speech, however, because "le rapporteur n'ayant pu assister à la première partie des débats, il a perdu son discours."
15. PILOT, 7 March 1849.
16. HAMILTON SPECTATOR, 17 March 1849.
17. PILOT, 7 March 1849.
18. HAMILTON SPECTATOR, 17 March 1849.
19. PILOT, 7 March 1849.
20. HAMILTON SPECTATOR, 17 March 1849.
21. PILOT, 7 March 1849.
22. HAMILTON SPECTATOR, 17 March 1849.
23. L'AVENIR, 21 March 1849.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.

29. IBID.
30. HAMILTON SPECTATOR, 17 March 1849.
31. IBID.
32. L'AVENIR, 21 March 1849.
33. PILOT, 7 March 1849.
34. IBID
35. HAMILTON SPECTATOR, 17 March 1849.
36. PILOT, 7 March 1849.
37. HAMILTON SPECTATOR, 17 March 1849.
38. PILOT, 7 March 1849.
39. HAMILTON SPECTATOR, 17 March 1849.
40. GLOBE, 17 March 1849.
41. HAMILTON SPECTATOR, 17 March 1849.
42. GLOBE, 17 March 1849.
43. HAMILTON SPECTATOR, 17 March 1849.
44. GLOBE, 17 March 1849.
45. HAMILTON SPECTATOR, 17 March 1849.
46. GLOBE, 17 March 1849.
47. HAMILTON SPECTATOR, 17 March 1849.
48. GLOBE, 17 March 1849.
49. HAMILTON SPECTATOR, 17 March 1849.
50. GLOBE, 17 March 1849.
51. IBID.
52. HAMILTON SPECTATOR, 17 March 1849.
53. GLOBE, 17 March 1849.
54. HAMILTON SPECTATOR, 17 March 1849.
55. GLOBE, 17 March 1849.
56. IBID.
57. IBID.
58. HAMILTON SPECTATOR, 17 March 1849.
59. GLOBE, 17 March 1849.
60. HAMILTON SPECTATOR, 17 March 1849.
61. GLOBE, 17 March 1849.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. HAMILTON SPECTATOR, 17 March 1849.
67. GLOBE, 17 March 1849.
68. IBID.
69. IBID.
70. IBID.
71. HAMILTON SPECTATOR, 17 March 1849.
72. GLOBE, 17 March 1849.
73. HAMILTON SPECTATOR, 17 March 1849.
74. GLOBE, 17 March 1849.
75. HAMILTON SPECTATOR, 17 March 1849.
76. IBID.
77. IBID.
78. GLOBE, 17 March 1849.
79. IBID.

80. HAMILTON SPECTATOR, 17 March 1849.
81. IBID., which noted that Gagy "rose under alarm of causing another moving scene."
82. The debate on this matter was reported by: MONTREAL GAZETTE, 7 March 1849; PILOT, 7 March 1849, copied by BROCKVILLE RECORDER, 15 March 1849, GLOBE, 17 March 1849, and PACKET, 10 March 1849, in identical accounts, except that GLOBE omitted several speeches. LA MINERVE, 8 March 1849, noted the debate. Commentaries may be found in MONTREAL GAZETTE, 7 March 1849, and PRINCE EDWARD GAZETTE, 16 March 1849.
83. MONTREAL GAZETTE, 7 March 1849.
84. PACKET, 10 March 1849.
85. MONTREAL GAZETTE, 7 March 1849.
86. PACKET, 10 March 1849.
87. IBID.
88. MONTREAL GAZETTE, 7 March 1849.
89. PACKET, 10 March 1849.
90. MONTREAL GAZETTE, 7 March 1849.
91. PACKET, 10 March 1849.
92. MONTREAL GAZETTE, 7 March 1849.
93. IBID.
94. PACKET, 10 March 1849.
95. IBID.
96. MONTREAL GAZETTE, 7 March 1849.
97. PACKET, 10 March 1849.
98. MONTREAL GAZETTE, 7 March 1849.
99. PACKET, 10 March 1849.
100. MONTREAL GAZETTE, 7 March 1849.
101. PACKET, 10 March 1849.
102. MONTREAL GAZETTE, 7 March 1849.
103. PACKET, 10 March 1849.
104. MONTREAL GAZETTE, 7 March 1849.
105. IBID.
106. PACKET, 10 March 1849.
107. IBID.
108. IBID.
109. IBID.
110. MONTREAL GAZETTE, 7 March 1849.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. PACKET, 10 March 1849.
124. IBID.
125. IBID.



126. The debate on this matter was reported by: MONTREAL GAZETTE, 7 March 1849; PILOT, 7 March 1849, copied by BROCKVILLE RECORDER, 15 March 1849, PACKET, 10 March 1849, and GLOBE, 17 March 1849, in identical accounts. The PACKET will be used instead of the difficult to read PILOT.
127. MONTREAL GAZETTE, 7 March 1849.
128. PACKET, 10 March 1849.
129. MONTREAL GAZETTE, 7 March 1849.
130. PACKET, 10 March 1849.
131. MONTREAL GAZETTE, 7 March 1849.
132. PACKET, 10 March 1849.
133. MONTREAL GAZETTE, 7 March 1849.
134. IBID.
135. PACKET, 10 March 1849.
136. MONTREAL GAZETTE, 7 March 1849.
137. PACKET, 10 March 1849.
138. MONTREAL GAZETTE, 7 March 1849.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. IBID.
144. This matter was reported by: PILOT, 7 March 1849, copied by BROCKVILLE RECORDER, 15 March 1849, PACKET, 10 March 1849, and GLOBE, 17 March 1849, in identical accounts.
145. PILOT, 7 March 1849.

WEDNESDAY, 7 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Sherwood,--The Petition of George P. Ridout, Esquire, President of the Board of Trade of the City of Toronto, on behalf of the Council of the said Board.

By Mr. Chabot,--The Petition of John Curtain and others, Stevedores at the Port of Quebec.

By Mr. Mongenais,--The Petition of the Reverend T. Cholette and others, of the Parish of St. Polycarpe, County of Vaudreuil.

By the Honorable Mr. Macdonald,--The Petition of W. Kingsmill, Esquire, Chairman, and Samuel Wood, Secretary, on behalf of a public meeting of the Inhabitants of the District of Niagara.

By Mr. Thompson,--The Petition of William James and others, of the Village of Thorold.

Common School  
Education Bill.

An engrossed Bill to raise an income of One hundred thousand pounds of the Public Lands of Canada, for Common School Education, was read the third

time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Price do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Norman Macdonald and others, of Upper Canada; praying that the Medical Bill may not pass in the form in which it was passed by the Legislature of Upper Canada, but reserved for the signification of Her Majesty's pleasure, in the year 1839.

Of William Simpson and others, of Canada; praying for the abolition of punishment by death.

Of Barnard Foley and others, of the Township of Grantham, and others; praying for the incorporation of the Queenston Suspension Bridge Company.

Of the Reverend George A. Hay and others, the Catholic Clergyman and Laity of the Parish of St. Andrews; praying that suitable provision be made for the College of Reignopolis.

Of Henry Atkinson, Esquire, and others, of the City and vicinity of Quebec; praying that no alteration may be made in the existing boundaries and limits of the said City.

Of T. M. Guay, Esquire, and others, of the Parish of St. Joseph de la Pointe Levy, Seignior of Lauson, County of Dorchester; praying that the charges and rents payable to the Seignior of the said Seignior may be made conformable to the original title thereof, and to the laws of the country.

Of Charles Duguay and others, of the south shore of the River St. Lawrence, District of Three Rivers; praying for certain alterations to the Judicature Bill, and for the abolition of Commissioners' Courts.

Of Edwin Pridham, Esquire, and others, of the Townships of Grenville

and augmentation, and Harrington, in the County of Two Mountains,---and of Edward Hale, Esquire, Chairman, and J. G. Robertson, Secretary, on behalf of a public meeting of the inhabitants of the Town of Sherbrooke; praying that no indemnity for Rebellion Losses be granted to those who took part in the Rebellion.

Of Joseph P. Bradley, Esquire, President, and others, on behalf of the Officers and Members of the St. Patrick's Society of Quebec; praying for an Act of incorporation.

Of Francis M. Hill, and others, of the City and Township of Kingston; praying for the incorporation of the Kingston Hospital, and a certain annual grant in support thereof.

Of Thomas Dick, Esquire, and others, Ship-Owners, Master-Mariners, and others interested in navigating the Lakes and Inland Waters of Canada; praying that the Maritime Laws of the United Kingdom may be extended to the inland waters of this Province.

Of the Municipal Council of the District of Bathurst; praying that Jurors in Upper Canada may be paid out of the general funds of the Province, as in Lower Canada.

Petition of the Hon. J. Bourret and others,  
referred.

Ordered, That the Petition of the Honorable Joseph Bourret and others, of the City of Montreal, be referred to the Standing Committee on Standing Orders.

MR. CHABOT<sup>1</sup> moved that a petition from some of the sufferers by the Quebec Fires, be referred to a Special Committee, for the purpose of ascertaining the loss suffered by them in consequence of the Debentures issued in their favor, being at a discount.<sup>2</sup>

Petition of J. Légaré and others.

Mr. Chabot moved, seconded by Mr. Chauveau, and the Question being put, That the Petition of Joseph Légaré and others, of Quebec (with the exception of that part which relates to public monies), be referred to a Select Committee composed of Mr. Chauveau, Mr. Méthot, Mr. Laurin, Mr. Marquis, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;

MR. INSP. GEN. HINCKS opposed the inference of the Petition as being a matter affecting the public Revenue.<sup>3</sup>

MR. CHAUVEAU said that the object of the Petition was to have an enquiry instituted to establish the amount of injury sustained by the sufferers in consequence of the great depreciation in the value of the Debentures issued to them, with a view of asking some relief from the Government on a future occasion.<sup>4</sup>

MR. H. SHERWOOD said that the object of the Petition, as he understood it, was to obtain a remission of the interest due by the parties who received Debentures from the Government, and he was not prepared to remit the interest upon the Debentures for a period of some sixteen or eighteen years, which the Debentures had shown before they became due.<sup>5</sup>

M. METHOT, dit qu'il regrettait que cette proposition fut devant la



chambre mais puisqu'elle y était, il ne croyait pas pouvoir ne pas l'appuyer.<sup>6</sup>

((There was)) a long discussion, the motion was rejected by a large majority.<sup>7</sup>

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The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chabot, Chauveau, Davignon, Fortier, Guillet, Laterrière, Lemieux, Malloch, Marquis, Méthot, and Papineau.--(11.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cameron of KENT, Cartier, Cauchon, Christie, DeWitt, Solicitor General Drummond, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Sir Allan N. MacNab, M'Farland, Merritt, Meyers, Morrison, Nelson, Notman, Polette, Price, Richards, Robinson, Scott of BYTOWN, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Taché, Thompson and Viger.--(41.)

So it passed in the Negative.

Dr. Telfer.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 15th ultimo, praying that His Excellency would be pleased to cause to be laid before them, all papers and correspondence relative to the removal

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from office of Dr. Telfer, late Medical Superintendent of the Lunatic Asylum at Toronto.

Appendix  
(G. G. G.)

For the said Return see Appendix (G. G. G.)

Ordered, That the said Return be printed for the use of the Members of this House.

On motion of Mr. Christie, seconded by Mr. DeWitt,

Government  
Claimants.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a copy of any Despatch that may have been received from the Home Government relative to a Bill passed at the first Session of the Second Parliament, by both Houses thereof, intituled, "An Act to provide a legal recourse to Her Majesty's subjects in this Province having legal or just claims upon the Government thereof, and to enable Her Majesty the more effectually to do justice in such cases," and which Bill, being on the 29th day of March, 1845, (on the prorogation of the Legislature), reserved for the signification of Her Majesty's pleasure, Her Majesty did not think fit graciously to sanction.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Kingston Hospital Bill.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to incorporate the Kingston General Hospital.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Chabot, seconded by Mr. Guillet,

Local Agents for the sale of Crown Lands.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, a Statement of the names of all the Local Agents

for the sale and management of Crown Lands for the cutting of Timber in Lower Canada; the date of the respective appointments, and the amount paid to each or the amount annually received by each, since 1844; and how much has been collected and paid to the Receiver General by each, during the same period; together with the amount of security by the said Agents, and the names of the securities.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Petition of R. Hamilton and others.

The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Cameron, of Kent, and the Question being put, That the 66th Rule of this House be suspended, so far as it affects the Petition of Robert

Hamilton and others, of the District of Niagara, praying for an Act to incorporate a Company to construct a Suspension Bridge over the River Niagara;

The House divided:--And it was resolved in the Affirmative.

Queenston Suspension Bridge Company Bill.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to incorporate "The Queenston Suspension Bridge Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Fortier, seconded by Mr. Polette,

Land Patents.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His

Excellency to be pleased to cause to be laid before this House, by the proper officer, a List of the Patents granted in Lower Canada for lots of Land exceeding five hundred acres, from the year 1795 to the year 1848, with the date of each Patent, the names of the parties to whom the said Lands have been granted, and by whom; the object for which each Patent was granted, and the conditions contained therein.

Ordered, That the said Address be presented to His Excellency the Governor

General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Stephen Bowerman.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated 26th February last,--Copies of Correspondence, Petitions and Plans, with Minutes in Council, referring to Lot No. 18, in the 1st Concession of Hallowell, in the case of Stephen Bowerman.

Appendix (H. H. H.)

For the said Documents, see Appendix (H. H. H.)

Crown Lands Protection Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to explain and amend an Act of the Parliament of the late Province of Upper Canada, passed in the second year of Her Majesty's Reign, intituled, "An Act for the protection of the Lands of the Crown in this Province from trespass and injury," and to make further provision for that purpose," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Price do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any amendment.

St. George's Society Bill.

The Order of the day for the second reading of the Bill to incorporate the St. George's Society of Quebec, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Quebec Warehousing Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Quebec Warehousing Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Notarial Profession Organization Bill.

The Order of the day for the second reading of the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Jobin, Mr. Guillet, Mr. Laurin, Mr. Bouthillier, Mr. Duchesnay, Mr. Cartier, and Mr. Armstrong, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Kingston Water Works Bill.

The Order of the day for the second reading of the Bill to incorporate "The City of Kingston Water Works Company," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.



The House accordingly resolved itself into the Committee.

Mr. Fergusson took the Chair of the Committee; and after some time spent therein,

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Mr. Speaker resumed the Chair;

And Mr. Fergusson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Longueuil and  
Chambly Turn-  
pike Road Bill.

The Order of the day for the second reading of the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Bell took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Bell reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be received to-morrow.

River du Chêne  
Improvement  
Bill.

The Order of the day for the second reading of the Bill to provide for the improvement of the River du Chêne, in the County of Two Mountains, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Taché reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Taché reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Trial of Im-  
peachments Bill.

The Order of the day for the second reading of the Bill to establish a Tribunal for the Trial of Impeachments by the Legislative Assembly of the

Province being read;

On motion of Mr. Christie, seconded by Mr. Smith, of Frontenac,  
Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Lachine Rail-  
road Bill.

The Order of the day for the second reading of  
the Bill to amend the Act incorporating the Montreal  
and Lachine Railroad Company, and for other purposes,

being read;

The Bill was accordingly read a second time; and referred to the Stand-  
ing Committee on Railroad and Telegraph Line Bills.

Montreal and  
Troy Telegraph  
Bill.

The Order of the day for the second reading of  
the Bill to incorporate the Montreal and Troy Tele-  
graphy Company, being read;

The Bill was accordingly read a second time; and referred to the  
Standing Committee on Railroad and Telegraph Line Bills.

L'Academie  
Industrielle  
Bill.

The Order of the day for the second reading of  
the Bill to incorporate L'Academie Industrielle de  
St. Laurent, in the District of Montreal, being  
read;

The Bill was accordingly read a second time; and referred to the  
Standing Committee on Miscellaneous Private Bills.

Soeurs de Ste.  
Croix Bill.

The Order of the day for the second reading of  
the Bill to incorporate La Communauté des Soeurs  
de Ste. Croix, in the Parish of St. Laurent, in the  
District of Montreal, for the purposes of education, being read;

The Bill was accordingly read a second time; and referred to the Stand-  
ing Committee on Miscellaneous Private Bills.

L. Comte's  
Relief Bill.

The Order of the day for the second reading of  
the Bill to enable Louis Comte to recover a certain  
amount due to him by the Parish of St. Edouard, in  
the District of Montreal, being read;

The Bill was accordingly read a second time; and referred to the  
Standing Committee on Miscellaneous Private Bills.

Montreal  
Institut Cana-  
dien Bill.

The Order of the day for the second reading of  
the Bill to incorporate the Institut Canadien de  
Montréal, being read;

The Bill was accordingly read a second time; and referred to a Select  
Committee composed of Mr. Davignon, Mr. Chauveau, Mr. Taché, Mr. Smith, of  
Durham, and Mr. Richards, to report thereon with all convenient speed; with  
power to send for persons, papers, and records.

Montreal Bank  
Bill.

The Order of the day for the second reading of  
the Bill to extend the time limited for an increase  
of the Capital Stock of the Bank of Montreal, being  
read;

The Bill was accordingly read a second time; and committed to a Com-  
mittee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Beaubien took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Beaubien reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Beaubien reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

M'Collom's  
Road Allowance  
Bill.

The Order of the day for the second reading of the Bill to vest a certain Road allowance in the Township of Nelson, in John S. M'Collom, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Montreal Turn-  
pike Roads Bill.

The Order of the day for the second reading of the Bill to amend the Acts and Ordinances relative to the Montreal Turnpike Roads, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Scott, of Two Mountains, Mr. Jobin, Mr. Holmes, Mr. Armstrong, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Les Soeurs de  
Miséricorde  
Bill.

The Order of the day for the second reading of the Bill to incorporate "Les Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de Montréal," being read;

The Bill was accordingly read a second time; and referred to the Committee on Miscellaneous Private Bills.

Mount Hermon  
Cemetery Bill.

The Order of the day for the second reading of the Bill to incorporate "The Mount Hermon Cemetery," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Montreal and  
Province Line

The Order of the day for the second reading of the Bill to amend and extend the Act to incorporate

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Junction Rail-  
way Bill.

the Montreal and Province Line Junction Railway Company, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Quebec Gas  
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Quebec Gas Company, being read;



The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Sauvageau took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Sauvageau reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Nuns of the  
Quebec General  
Hospital Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Committee of the Nuns of the General Hospital of Quebec to acquire and hold additional real and personal property to a certain amount," being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be read the third time, to-morrow.

Bradley's Road  
Allowance Bill.

The Order of the day for the second reading of the Bill to enable William Bradley to hold a certain Road allowance in Caledonia, in the Ottawa District,

being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Bridge Bill of  
A. Archambeault  
and others.

The Order of the day for the second reading of the Bill to authorize Antoine Amable Archambeault and others, to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned,

being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge Bills.

Drummond  
Municipality  
Bill.

The Order of the day for the second reading of the Bill to divide the Municipality of Drummond into two Municipalities, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Guillet took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Guillet reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Guillet reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments be engrossed.

Uncultivated  
Lands (L. C.)  
Bill.

The Order of the day for the second reading of the Bill to facilitate the settlement of uncultivated Lands in the Townships of Lower Canada, and for other purposes therein mentioned, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Hamilton and  
Gore Mechanics  
Institute Bill.

The Order of the day for the second reading of the Bill to incorporate the Hamilton and Gore Mechanics' Institute, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Stevedores'  
Regulation Bill.

The Order of the day for the second reading of the Bill to regulate the trade of Stevedore at the Port of Quebec, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Chabot, the Honorable Mr. Laterrière, Mr. Egan, Mr. Méthot, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Quebec Incor-  
poration  
Amendment Bill.

The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the

Corporation of the said City and Town, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Chabot, Mr. Chauveau, Mr. Méthot, Mr. Laurin, Mr. Christie, Mr. Cameron, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Quebec Literary  
and Historical  
Society Bill.

The Order of the day for the second reading of the Bill to amend the Charter of the Literary and Historical Society of Quebec, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

L'Islet Registry  
Office Bill.

The Order of the day for the second reading of the Bill to provide for the removal of the Registry Office of the County of L'Islet from the place where it is

now kept to the Parish of L'Islet, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Fournier, Mr. Beaubien, Mr. Fouthillier, Mr. Chabot, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Stuart's Relief  
Bill.

The Order of the day for the second reading of the Bill to enable Charles James Stuart, Esquire, to practise the Law in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of the Honorable Mr. Badgley, Mr. Cartier, Mr. Gugy, Mr. Christie, and Mr. Dumas, to report thereon with all convenient speed;

St. Antoine de  
L'Isle aux  
Grues Municipi-  
pality Bill.

The Order of the day for the second reading of the Bill to detach the Parish of St. Antoine de L'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Chauveau took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Chauveau reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Les Clercs Pa-  
rossiaux Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate "Les Clercs Paroissiaux ou Catéchistes de Saint Viateur," in the Village of "Indus-

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try, in the County of Berthier," being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be read the third time, to-morrow.

Building So-  
cieties Bill.

The Order of the day for the second reading of the Bill to encourage the establishment of Building Societies in the District of Quebec, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee;

The House accordingly resolved itself into the Committee.

Mr. M'Farland took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. M'Farland reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.



Provident As-  
sociations Bill.

The Order of the day for the second reading of the Bill for incorporating certain Charitable, Philanthropic, and Provident Associations, and for the effectual protection from fraud and misappropriation of the Funds of the same, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Hastings Regis-  
tration of Titles  
Bill.

The Order of the day for the second reading of the Bill to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Quebec For-  
warding Com-  
pany Bill.

The Order of the day for the second reading of the Bill to incorporate certain persons under the name of the Quebec Forwarding Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Fournier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fournier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Fournier reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments be engrossed.

Municipal  
Corporations  
(U. C.) Bill.

The Order of the day for the second reading of the Bill to provide by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in

Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Quarantine  
Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to amend the Quarantine Act,"

being read;

Ordered, That the Bill be read a second time, on Friday next.

Toronto and Lake  
Huron Railroad  
Act Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Toronto and Lake Huron Railroad Act, being read;

Ordered, That the Bill be read a second time, on Friday next.

Registry Laws  
(U. C.) Bill.

The Order of the day for the second reading of the Bill to amend the Registry Laws of Upper Canada being read;

Ordered, That the Bill be read a second time, on Monday next.

Bill relating to  
Mortgagers and  
Mortgagees.

The Order of the day for the second reading of the Bill to provide for the Sale under Execution of the interest of Mortgagers and Mortgagees in real estate in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

St. Andrew's  
Church Bill.

The Order of the day for the second reading of the Bill to incorporate "The Minister and Trustees of St. Andrew's Church, Montreal," being read;

Ordered, That the Bill be read a second time, on Monday next.

Real Property  
Conveyances  
Bill.

The Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common socage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Assessment  
Bill (U. C.)

The Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns, and Cities in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

School Law  
(L. C.) Bill.

The Order of the day for the second reading of the Bill to amend the School Law of Lower Canada, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Courts of Appeals  
and Criminal Ju-  
risdiction Bill  
(L. C.)

The Order of the day for the second reading of the Bill to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Courts of Civil  
Jurisdiction  
Bill (L. C.)

The Order of the day for the second reading of the Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Indemnity to  
Members.

The Order of the day for the House in Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, being read;

Ordered, That the said Order of the day be postponed till Tuesday next.

Offenders  
Treaty Bill.

The Order of the day for the House in Committee on the Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders, being read;

Ordered, That the said Order of the day be postponed till Tuesday.

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Frivolous Op-  
positions Bill  
(L. C.)

The Order of the day for the second reading of the Bill for preventing frivolous and vexatious Op-positions to the seizure of moveables or of immoveables, and for the better ensuring the execution of Judgments of the Courts of Law in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Transfer of  
Real Property  
(U. C.) Bill.

The Order of the day for the second reading of the Bill to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Joint Stock  
Companies Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies, for manufacturing, mining, mechanical, or chemical purposed." being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Berthier Mu-  
nicipalities  
Bill.

The Order of the day for the second reading of the Bill to divide the County of Berthier into two Municipalities, for Municipal purposes, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Report on Pe-  
tition of J. H.  
Aussem and  
others.

The Order of the day for taking into consideration the Report of the Select Committee to which was referred the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, being read;

Ordered, That the said Order of the day be postponed till Wednesday next.

First Report on  
Printing.

The Order of the day for the House in Committee on the First Report of the Standing Committee on Printing, being read;



Ordered, That the said Order of the day be postponed till Wednesday next.

Official Salaries Attachment Bill.

The Order of the day for the second reading of the Bill to authorize to a certain extent the seizure and attachment of Official Salaries towards payment of the Incumbents' debts, being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

General Sessions of the Peace and District Courts Bill (U. C.)

The Order of the day for the second reading of the Bill to repeal so much of the several Laws of the late Province of Upper Canada as relate to the period for holding the District Courts and Quarter Sessions therein, and to make provision for holding

General Sessions of the Peace in each District thereof, and to alter the terms of the said District Courts, being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Presbyterian Church Bill.

The Order of the day for the second reading of the Bill to incorporate the Members of the Presbyterian Church in Canada in connection with the

Church of Scotland, being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Montreal Prison Discipline Society Bill.

The Order of the day for the second reading of the Bill to incorporate certain persons under the name of the Prison Discipline Society of Montreal, being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Bill relating to persons dying Intestate.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to make better provision for the protection of the property of persons dying Intestate in that part of this Province formerly called Upper Canada," being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Port Burwell Harbour.

The Order of the day for the second reading of the Bill to incorporate certain persons under the style and title of "The President, Directors, and

Company of Port Burwell Harbour," being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Bill to secure Real Estate Titles to certain persons.

The Order of the day for the second reading of the Bill to secure Titles to Real Estate to certain persons naturalized under the Statute of Lower Canada, 1st. Will. 4, c. 53, being read;

Ordered, That the Bill be read a second time, on Thursday, the fifteenth instant.

Limitation of  
Actions Bill.

The Order of the day for the House in Committee on the Bill to alter the Law relating to the limitation of Actions in this Province, being read;

Ordered, That the said Order of the day be postponed till Thursday, the fifteenth instant.

Warehousemens'  
Punishment Bill.

The Order of the day for the House in Committee on the Bill for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances upon Goods, and afterwards fraudulently disposing of the same, being read;

Ordered, That the said Order of the day be postponed till Thursday, the fifteenth instant.

Official Notices  
Bill.

The Order of the day for the second reading of the Bill to provide for the insertion of certain Official Notices in the Canada Gazette only, being read;

Ordered, That the Bill be read a second time, on Friday the sixteenth instant.

Sheriffs per-  
centage.

The Order of the day for the Houses in a Committee to take into consideration the expediency of amending so much of the Ordinance 25 Geo. 3, as empowers the Sheriffs of that part of the Province formerly constituting Lower Canada, to retain two and a half per cent out of the public monies in their hands, being read;

Ordered, That the said Order of the day be postponed till Monday, the nineteenth instant.

Executive  
Functionaries  
Bill.

The Order of the day for the second reading of the Bill to limit the number of Executive Functionaries, and the Salaries to be accorded to each, and for other purposes relating to their appointments to office, being read;

Ordered, That the Bill be read a second time, on Monday, the nineteenth instant.

Bill to extend  
certain privi-  
leges to Law  
Students in  
Lower Canada.

The Order of the day for the second reading of the Bill to amend the Act of Lower Canada, sixth William the Fourth, intituled, "An Act to repeal certain parts of an Ordinance therein mentioned concerning persons to be admitted to practise the Law or to practise as Notaries in this Province," being read;

Ordered, That the Bill be read a second time, on Monday, the nineteenth instant.

Bill respecting  
Strychnine and

The Order of the day for the second reading of the Bill to prohibit the use of Strychnine and other

other Poisons.

Poisons for the destruction of certain kinds of wild animals, being read;

Ordered, That the Bill be read a second time, on Monday, the nineteenth instant.

Gaspé Judic-  
ture Bill.

The Order of the day for the second reading of the Bill to amend the Law relative to the Administration of Justice in Gaspé, being read;

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Ordered, That the Bill be read a second time, on Tuesday, the twentieth instant.

Aliens Natu-  
ralization Bill.

The Order of the day for the second reading of the Bill to repeal a certain Act therein mentioned, and to make better provision for the naturalization of

Aliens, being read;

Ordered, That the Bill be read a second time, on Tuesday, the twentieth instant.

District Courts  
(U. C.) Bill.

The Order of the day for the second reading of the Bill to amend and extend the provisions of the Act of this Province, intituled, "An Act to amend, consolidate, and reduce into one Act, the several Laws not in force establishing and regulating the practice of the District Courts of the several Districts of that part of this Province formerly Upper Canada," and to increase the jurisdiction of the said District Courts, being read;

Ordered, That the Bill be read a second time, on Wednesday, the twenty-first instant.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Price,

The House adjourned.



APPENDIX: 7 MARCH 1849.

((NOTICE OF MOTION RE: TRINITY HOUSE OF QUEBEC.))

MR. AT. GEN. LAFONTAINE a donné avis ... que demain, il introduirait un bill pour refondre et amender l'acte d'incorporation de la Trinité de Québec.<sup>8</sup>

((QUESTIONS AND ANSWERS RE: EMIGRATION; OCEAN VESSELS; MARINE INSURANCE; TRINITY BOARD OF QUEBEC; FREIGHT RATES; PUBLIC WORKS; AND EXPORT OF AGRICULTURAL PRODUCE.))<sup>9</sup>

MR. DEWITT, in proposing the queries which he was about to do, would endeavour to explain the reasons for doing so. His first object was for the benefit of the immigrants, who reached the Gulph of the St. Lawrence after a long voyage, and who it was important should have the means of proceeding to their place of destination as early as possible, in order to be ready to begin their labour. If, therefore, they employed strong ocean vessels with powerful engines to run between the Pilot ground and Father Point, it would enable them to reach Quebec in twenty-four hours, and any of the intermediate places between that and Lake Erie in less than five days, or in half the time, and at half the expense by the St. Lawrence route that they could by the New York route. Also the great object of preserving the health of immigrants would be gained, which would lessen the expense of Hospitals, and would also tend to preserve the lives of the people now settled in the Province. Another important motive was, that it placed it in the power of shipmakers, as far as could be, of making an extra voyage every year, which would enable shipowners to carry freight at a cheaper rate than is now done. This, in his opinion, would have the effect of raising the price of produce in favour of the farmer. It would also have the effect of cheapening the charges for insurance, both inward and outward, one fourth, from the beginning of the season up to September, and from that up to the end of the season one half, thus benefitting both the agricultural and commercial classes of the Province. The saving thus effected, he thought, would be equal to the whole expense of the tug boats. It would also save about £2000 to the Trinity Board of Quebec, besides having the business done much better, and would give many other advantages to that Board. The revenues of our public works would also be greatly improved. He considered that our farmers had never, up to this time, been able to ship their produce with a fair chance of profit; if they shipped their grain and other produce the same year that it was raised, the high freights and insurance absorbed all their profit, whilst on the other hand, if they kept it through the winter, they were no better off, and as to provisions, beef and pork could not be barrelled before October. Thus, if it was shipped, the same loss by freight and insurance occurred, and if it was stored until the next spring, the packing, storage, and the two inspections, and the sea voyage in summer, would leave the farmer no reward for his labours, from any price he could obtain from his produce. And so the raising of produce afforded no remuneration, and the land was, in consequence, of little ... open our waters and induce the trade from the West, and our country would be of great importance.

The hon. member then put the following questions to Ministers:--

Whether it is intended to adopt any measures on the following subjects:

For the purpose of facilitating the safe and speedy forwarding of Immigrants from the Gulph of St. Lawrence to the Upper Lakes, by means of strong Steam Tug Boats?

For the purpose of enabling vessels engaged in the Canada Trade, of making instead of one, two voyages between Europe and Canada; and instead of two, three voyages on the same trade?

For the purpose of reducing the rate of insurance on vessels and their cargoes, both inwards and outwards?

For the purpose of reducing the expenses of the Trinity Board at Quebec?

For enabling ships to reduce both inward and outward freights?

For increasing the revenue on the Public Works?

For enabling the Farmers and Merchants to export the produce of the country cheaply, safely, expeditiously, and with certainty, the same year that it is produced, thereby giving the people of the Province the best chances of prompt rewards for their labour, increasing the value of every man's property, and vastly augmenting the aggregate worth and development of the resources of this important Province?<sup>10</sup>

MR. AS. COM. P. W. CAMERON replied that the Country was much indebted to the hon. gentleman for the explanation he had given, and for having called attention to subjects of so much importance. It was not the intention of Government to put tug boats below Quebec, they had under their consideration means of reducing all the expenses of vessels engaged in the carrying trade, they had also under consideration the working, management, and expenses of the Trinity House and Board, and would reduce every expense connected with it to the lowest possible amount consistent with the public service and the large interest involved in that House. The Government had in contemplation to place the Steamers on Lake St. Francis, Lake St. Louis and one from Cornwall to Kingston, during the ensuing session<sup>11</sup> in order that the forwarding of immigrants may not be in the hands of private speculators.<sup>12</sup>

((REJECTED PETITION RE: WARDEN AND COUNCIL OF WESTERN DISTRICT.))

MR. MACFARLAND moved that the petition of the Warden and Council of the Western District, praying for a renewal of the Charter of Niagara and Detroit Rivers Railroad be now received.<sup>13</sup>

MR. MORIN the SPEAKER said the petition could not be received, as there was no prayer to it.<sup>14</sup>

((WITHDRAWN MOTION RE: REPORTS OF GEOLOGICAL SURVEY.))<sup>15</sup>

MR. BELL ((moved)) for the reprint of the Reports of the Geological Survey ... MR. BELL said, that these reports which were of infinite value were almost entirely out of print, so that it was almost impossible to get a copy for love or money, he had known as much as 10s. offered for a single copy. The printing of a few thousand copies could not cost more than £150 or £100, and he thought hon. members should not grudge upon this when they added so much to the expenditure of the country by the length of their speeches.<sup>16</sup>

MR. INSP. GEN. HINCKS hoped the motion would be withdrawn, these reports were already on the Journals of the House, and in the possession of hon. members, and the House ought to set itself against the principle of printing for the use of the public. The Reports must be printed in both languages, and would probably cost as much as £1000. If there was really such a demand for these Reports, why did not some printer publish an edition independent of the House.<sup>17</sup>

MR. BELL had no objection to withdraw his motion, if it was the general wish of the House. The country was very anxious to have these Reports, but if hon. members wished to reserve the money for long speeches, he could not help it.<sup>18</sup>

MR. J. A. MACDONALD (Kingston) suggested that the motion should be withdrawn and referred to a Committee on printing to ascertain what the expenses of printing the Reports would be.<sup>19</sup>

MR. J. SCOTT (Bytown) had also endeavoured to obtain copies and never could succeed, and had desired to make a motion similar to this. He had accidentally met with one of these reports which contained a modest request from the Geological Surveyor, that he should be sent to England to have his education completed, and he should like to have an opportunity to examine others, he would suggest, however that a smaller number of copies should be printed.<sup>20</sup>

MR. INSP. GEN. HINCKS concurred with the suggestion of the hon. member for Kingston, that the motion should be referred to the committee on printing. With regard to what had been stated by the hon. member for Bytown, but for the assertion of that hon. member he should hardly have conceived it possible that Mr. Logan should have put such a thing in one of his reports.<sup>21</sup>

MR. J. SCOTT explained that Mr. Logan said, in one of his reports, that it would benefit the service of the Province, if he could go to England at the public expense, to obtain some information on certain subjects.<sup>22</sup>

MR. INSP. GEN. HINCKS thought that a quite different thing--he could not believe that Mr. Logan, who was a highly educated surveyor, should have required to complete his education.<sup>23</sup>

((There)) was some further conversation between MESSRS. HINCKS, BOULTON, and ARMSTRONG<sup>24</sup>.

MR. BELL withdrew his motion on the understanding that the matter should be referred to the committee on printing.<sup>25</sup>

((WITHDRAWN MOTION RE: RETURNS OF PROPERTY HELD BY ECCLESIASTICAL, CHARITABLE, AND EDUCATIONAL CORPORATE BODIES.))<sup>26</sup>

MR. J. BOULTON (Norfolk) moved an address to His Excellency, for Tabular Returns of the property held by Ecclesiastical, Charitable and Educational Corporate bodies. The amount of property held by these bodies was very great, and in a young country like this, were in many cases an obstruction to its prosperity, and he therefore was anxious to obtain an estimate of the amount of property, real and personal, in their possession.<sup>27</sup>

MR. AT. GEN. BALDWIN would be happy to give the hon. gentleman all the



information in his power; but<sup>28</sup> il serait très difficile et presque impossible de lui donner l'information demandée. Le gouvernement ne l'avait pas lui-même, et pour l'obtenir (si la chose était possible)<sup>29</sup>, it would take several months, and involve an enormous expense to obtain information on every subject mentioned in the address; he hoped the hon. gentleman would limit his demand to those points which would involve the least expense.<sup>30</sup>

MR. H. BOULTON withdrew his motion until Monday.<sup>31</sup>

FOOTNOTES: 7 MARCH 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 9 March 1849; LE JOURNAL DE QUEBEC, 10 March 1849; PILOT, 9 March 1849, and PACKET, 17 March 1849, in identical accounts. LA MINERVE, 12 March 1849, noted the debate. A commentary may be found in LE JOURNAL DE QUEBEC, 10, 17 March 1849.
2. PILOT, 9 March 1849.
3. MONTREAL GAZETTE, 9 March 1849.
4. IBID.
5. IBID.
6. LE JOURNAL DE QUEBEC, 10 March 1849.
7. MONTREAL GAZETTE, 9 March 1849.
8. LE JOURNAL DE QUEBEC, 10 March 1849.
9. This matter was reported by: PILOT, 9 March 1849; MONTREAL GAZETTE, 9 March 1849; LA MINERVE, 12 March 1849; BRITISH WHIG, 9 March 1849; and BRITISH COLONIST, 9 March 1849, MORNING CHRONICLE, 9 March 1849, GLOBE, 10 March 1849, HAMILTON SPECTATOR, 14 March 1849, ST. CATHARINES JOURNAL, 15 March 1849, and PRINCE EDWARD GAZETTE, 23 March 1849, in identical accounts.
10. PILOT, 9 March 1849. The ellipsis represents an illegible line.
11. PILOT, 9 March 1849.
12. MONTREAL GAZETTE, 9 March 1849.
13. PILOT, 9 March 1849.
14. IBID.
15. This matter was reported by: PILOT, 9 March 1849, and GLOBE, 17 March 1849, in identical accounts, except that GLOBE omitted a few speeches.
16. PILOT, 9 March 1849.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. This matter was reported by: LA MINERVE, 12 March 1849; and PILOT, 9 March 1849, PACKET, 17 March 1849, and GLOBE, 17 March 1849, in identical accounts. The GLOBE will be used instead of the difficult to read PILOT.
27. GLOBE, 17 March 1849.
28. IBID.
29. LA MINERVE, 12 March 1849.
30. GLOBE, 17 March 1849.
31. IBID.

THURSDAY, 8 MARCH 1849.

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Leave of  
Absence.

ORDERED, That Mr. Guillet have leave to absent himself from this House, until the fifteenth instant, on urgent private business.

Ordered, That Mr. Prince have leave to absent himself from this House, for one month, on urgent private business.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. M'Connell,--The Petition of A. A. Adams and others, of the Township of Barnston and vicinity.

By Mr. Fergusson,--The Petition of Charles Whitlaw and others, Officers and Members of the Paris Fire Company Number One Canada West.

By the Honorable Mr. Macdonald,--The Petition of A. Thibodo and others, Officers and Members of Fire Companies of the City of Kingston.

By the Honorable Mr. Boulton,--The Petition of the Honorable R. U. Harwood and others.

By Mr. Smith, of Wentworth,--The Petition of George S. Wilkes and others, Officers and Members of the Brantford Hook and Ladder Company Number One.

By the Honorable Mr. Sherwood,--The Petition of the Honorable Adam Ferrie, Chairman, and others, members of the Provisional Committee of the Canada, New Brunswick, and Nova Scotia Railway Company.

By Mr. Dumas,--The Petition of the Right Reverend the Roman Catholic Bishop of Kingston and Curé of L'Assomption, and others of the County of Leinster.

M'Collom's Road  
Allowance Bill.

An engrossed Bill to vest a certain Road allowance in the Township of Nelson, in John S. M'Collom, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Wetenhall do carry the Bill to the Legislative Council, and desire their concurrence.

Drummond Muni-  
cipality Bill.

An engrossed Bill to divide the Municipality of Drummond into two Municipalities, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Polette do carry the Bill to the Legislative Council, and desire their concurrence.

Montreal and  
Province Line  
Junction Rail-  
way Bill.

An engrossed Bill to amend and extend the Act to incorporate the Montreal and Province Line Junction Railway Company, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. DeWitt do carry the Bill to the Legislative Council, and desire their concurrence.



River du Chêne  
Improvement Bill.

An engrossed Bill to provide for the improvement of the River du Chêne, in the County of Two Mountains, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Scott, of Two Mountains, do carry the Bill to the Legislative Council, and desire their concurrence.

Bradley's Road  
Allowance Bill.

An engrossed Bill to enable William Bradley to hold a certain Road allowance in Caledonia, in the Ottawa District, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Johnson do carry the Bill to the Legislative Council, and desire their concurrence.

Montreal Bank  
Bill.

An engrossed Bill to extend the time limited for an increase of the Capital Stock of the Bank of Montreal, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. Desfossés, Esquire, and others, of the Town and District of Three Rivers; praying for aid to construct Piers in the River St. Lawrence, between Pointe des Grondines and Deschambault or Richelieu Rapids, so as to prevent the accumulation of ice there in the winter, and damage consequent thereon.

Of François Da Sylva, Esquire, and others, of the Town and District of Three Rivers; praying for aid to improve the Road from the Village of Kingsey to Port St. Francis, called "The Land Company's Road," and the Road from Gentilly to the River St. Lawrence.

Of Rowley Kilborn and others, of the District of Niagara; praying for the passing of an Act to incorporate a Company to construct a Bridge across the River Niagara at Queenston.

Of William Murray and others, of the Eastern District; praying for the reduction of law costs in the collection of debts, and for alteration in the law of arrest in Lower Canada.

Of Donald M'Intosh, of the Township of Godmanchester, distiller; praying for a reduction of the Duty imposed upon distillers, and for the repeal of the Duty imposed upon spirituous liquors manufactured by them.

Of James Williams and others, of the District of Niagara; praying for the passing of an Act to incorporate the Queenston Suspension Bridge Company.

Of John Burwell, of Port Burwell, District of London, Esquire; praying that, in case the Government do not intend constructing a Harbour at Port Burwell, the Township of Bayham may be annexed to the District of Brock, and that the privileges surrendered to the Crown by the Port Burwell Harbour Company may be granted to the Municipal Council of the said District of Brock.

Of Leonard Wilcox, in the City of Toronto; praying Compensation for the

loss of a boat and cargo illegally seized, sold, and bought by the Collector

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of Customs and his Deputy, in the year 1816, at York, now the City of Toronto.

Of the President and Directors of the Cobourg Harbour Company; praying for an investigation into the accounts of the said Harbour, and a certain amount exceeding an original contract with the Board of Works placed to the credit of the Government,--and that the said Harbour be purchased and completed by the Government.

Of R. Hervey, Esquire, and others, of the Town of Bytown; praying for the rejection of the proposed measure for granting indemnification for Rebellion Losses in Lower Canada.

Of George Tillson and others, of Dereham; praying that measures be adopted for the repeal of the Imperial Act relating to the Clergy Reserves, and for the abolition of the Rectories,--and that certain abuses be removed from the administration and charter of the University of King's College.

Of the Municipal Council of the Western District; praying that a Charter be not granted to the Presbyterian Synod to form a Joint Stock Company to colonize certain Townships in the said District with coloured people.

Of the Municipal Council of the Western District; praying to be authorized to open a Road through the Indian Reservation in the Townships of Oxford and Zone.

Of the Municipal Council of the Western District; praying that certain Roads therein mentioned may be placed under the control of the said Council.

Petition of J. Scott and others, referred.

Ordered, That the Petition of James Scott, Esquire and others, of the Lake St. Louis and Province Line Railway Company, be referred to the Standing Committee on Standing Orders.

Report on Petition of G. B. de Boucherville.

The Honorable Mr. Laterrière, from the Select Committee to which was referred that part of the Petition of George B. de Boucherville, of Montreal, Esquire, praying the House to allow him to exhibit to

them a Machine invented by him for the production of a self-renewing motive force, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee, in submitting the information they have obtained, relative to the project of constructing a very ingenious Machine, the motive power whereof would be constantly renewed by the combined action of the motion of the Machine with the weight of the atmospheric air, are of opinion (supposing that such a Machine could readily be made to work) that the result of this motive power applied to objects of public utility, would not justify the expense which it would cost to construct and maintain such an Engine, which the Inventor himself states could only be done in Europe.

For these reasons, Your Committee do not think themselves justified in recommending the expense of such an experiment, and consequently cannot accede to the demand of the Inventor.

Your Committee, however, feel bound to concur in the opinion expressed by the Messieurs Desauniers, that the plan of the Machine is exceedingly ingenious, and does honor to its Inventor.

Fifteenth Report  
of Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Honorable W. H. Merritt and others, praying that the exclusive right may be granted to the Niagara Falls Suspension Bridge Company, of erecting any other Bridge across the River Niagara above the present Bridge, and they find that the provisions of the 66th Rule have not been complied with, notice having been published in the Canada Gazette only.

The Petitions of the Grand River Navigation Company, and of the Honorable Joseph Bourret and others, do not, Your Committee conceive, require the publication of notice.

First Report of  
Committee on  
the Library.

The Honorable Mr. Sherwood, from the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, to which shall be referred all matters relating thereto, presented to the House the First Report of the said Committee; which was read, as followeth:--

Difficulties having been often experienced from the want of proper Rules regulating the admission of persons to the Library, and the procuring of Books therefrom; and the necessity for a revision of the present Orders having become generally apparent, Your Committee take an early opportunity of submitting a new set of Rules on this subject, for the examination and approval of Your Honorable House.

Hitherto there has been a partial non-observance of the existing Rules; upon which Your Committee would observe, that the Rules in question unsuited to the increased extent and value of the Library, and to the views of Members generally in relation thereto, they had been suffered gradually to fall into disuse. They were copied, it appears, at the time of the Union, from the Book of Rules of the Lower Canada Assembly, having been adopted by that body at an early period, when the Library was of inconsiderable extent, and was deposited in one of the Clerks' Offices. Their re-enactment was intended to be merely temporary, until more suitable ones could be framed, wherein regard might be had to the alterations which time had effected in the value and importance of the collection, to the propriety of distinctly recognizing it as a separate Department among the Officers of the Assembly, and to the expediency of permitting it, under certain restrictions, to supply the place of a Public Provincial Library; as well as a collection of Books necessary for the use of Your Honorable House. It was in deference to these views, which have been generally entertained among Honorable Members for several years past, that the old Rules have been permitted to fall into disuse; and the alterations which Your Committee have now the honor to report, are mainly the embodiment of the practice which has prevailed, ever since the Union, in the regulation of this Department. It has, however, been felt to be desirable that no further delay should take place in devising proper and definite Rules, capable of being strictly enforced; accordingly, Your Committee have given their attention to the matter, and beg to submit to Your Honorable House the Orders hereunto appended, as the result of their deliberations.



*Rules respecting the Library;*  
 proposed to be substituted in lieu of those now in force, and numbered  
 84 to 88 in the Book of Rules:--

84. That a proper Catalogue of the Books belonging to the Library be kept by the Librarians, in whom the custody and responsibility thereof shall be vested, and who shall be required to report to the House, through Mr. Speaker, at the opening of each Session, the actual state of the Library.

85. That no person whatsoever shall be entitled to resort to the Books, during a Session of Parliament, except the Governor of the Province, the Members of the Executive and Legislative Councils, and Legislative Assembly, and the Officers of the two Houses for the time being; and such other persons as may receive a written Order of Admission from any two Members of the House.

86. That during a Session of Parliament, no Books belonging to the Library be permitted to be taken out of the Building, except upon receipts

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given by Members of either House.

87. That during the Recess of Parliament, the Library shall be open every day in each week, Sundays and Holidays excepted, from the hour of ten in the morning until three in the afternoon; and that access thereto be permitted to persons introduced by a Member of the House, or admitted at the discretion of the Librarians, subject to such Regulations as may be deemed necessary for the security and preservation of the collection; but that no one shall be allowed to take any Book out of the Library, except Members of the House, and such persons as may be authorized by the Speaker, or, in his absence, by one of the Librarians.

88. That the Clerk of this House be authorized to import, annually, the continuation of Periodical Works in the Library.

Ordered, That the said Report be committed to a Committee of the whole House, for to-morrow.

King's College.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 13th ultimo, praying that His Excellency would be pleased to cause to be laid before them, a Copy of the Ordinance of the Council of King's College appointing Commissioners to enquire into the affairs of the said College, and of the Instructions given to the said Commissioners, as well as of all other Documents having reference thereto.

Appendix  
(I. I. I.)

For the said Return, see Appendix (I. I. I.)

Ordered, That the said Return be printed for the use of the Members of this House.

Jesuits Estates.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the

Legislative Assembly to His Excellency the Governor General, dated 22d February, 1849, praying that His Excellency would be pleased to cause to be laid before the House, copies of all accounts, receipts and expenditure, which have been rendered by Louis Eléonore Dubord, Esquire, of his administration of the Jesuits' Estates in the District of Three Rivers, while Agent thereof.

Appendix  
(J. J. J.)

For the said Return, see Appendix (J. J. J.)

Clerical Visitors of Sick Emigrants.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to so much of an Address of the Legislative Assembly, dated 29th January, 1849, praying that His Excellency would be pleased to cause to be laid before the House, a Return to all sums of money paid during 1848, for the service of 1847, to a Clerical Visitors of sick Emigrants at Grosse Isle, Quebec, Montreal, and elsewhere, with the name and claims of each recipient.

Appendix  
(K. K. K.)

For the said Return, see Appendix (K. K. K.)

Schools and Colleges.

And also, Return to so much of an Address of the Legislative Assembly, dated 29th January, 1849, praying that His Excellency would be pleased to cause to be laid before the House, a Return of all special grants to Schools and Colleges (not including the annual grant for Upper and Lower Canada of £50,000,) with the particulars of the expenditure in each case, the names of the Teachers or Professors who are employed, the number of pupils who share in the benefit, and the course of instruction pursued,--also the Religious body (if any) with which the Institution is connected.

Appendix  
(L. L. L.)

For the said Return, see Appendix (L. L. L.)

On motion of Mr. Armstrong, seconded by Mr. Jobin,

Les Clercs Paroissiaux Bill.

Ordered, That the Order of the day for the third reading of the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate "Les Clercs Paroissiaux ou Catéchistes de Saint Viateur," in the Village of Industry, in the County of Berthier," be discharged.

Resolved, That the said Bill be referred to a Select Committee composed of Mr. Armstrong, the Honorable Mr. Boulton, the Honorable Mr. Cameron, of Kent, Mr. Bouthillier, and Mr. Chabot, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Rebellion Losses (U. C.)

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper Officer to cause to be laid before this House, the Report of the Committee appointed to enquire into, and allow or reject, the claims of the Inhabitants of the County of Oxford,

*arising out of the late Rebellion and Invasion of this Province.*<sup>1</sup>

MR. INSP. GEN. HINCKS hoped that in moving for the address, the usual notice would be dispensed with, in order that the papers might be laid before the House, as soon as possible. A great deal had been said during the debate which had taken place as to the class of persons who would be paid, and<sup>2</sup> it had been asserted loudly that no claims had been paid except the claims of loyalists. He had received a letter from one of his constituents<sup>3</sup> a few days ago,<sup>4</sup> calling his attention for the first time to the fact, that the very party which has raised such an outcry,<sup>5</sup> cried so much about their loyalty,<sup>6</sup> and agitated the whole country about the payment of rebellion claims took a very different tone a few years ago; (hear,) and that the same party also lately taunted a certain portion of his constituents with the generosity of the British Government for paying the claims of rebels, (hear, hear,) asserting that no other Government in the world would do so. It had never occurred to him to doubt the assertions of hon. gentlemen opposite, until the receipt of that letter; but he<sup>7</sup> had since<sup>8</sup> made investigations into the papers in possession of the Government, and he desired that those papers should be laid on the table for the information of other hon. members.<sup>9</sup>

SIR A. MACNAB.--What will be the result of it?<sup>10</sup>

MR. INSP. GEN. HINCKS.--The result would be, to show some of the most active rebels in the County of Oxford--men who had been tried and convicted for high treason, were paid by the loyal Commissioners appointed by a Conservative Government. (Loud cheers.) Those Commissioners were all, of course, eminently loyal:--Col. Harris, Mr. Ingersoll, one of the strongest Conservatives in the County, and Mr. Rollo Hunter, also a strong Conservative and formerly a Representative of the County. And yet they supported the claim of Lt. Gen. Duncombe, of the rebel forces, who had been obliged to fly the country, and on his return made a claim for £500, (hear, hear,) which was ordered to be paid, and which was paid as he could affirm, having seen the receipt. (Loud cheers.) He could name numbers of others,--men prominently engaged in the rebellion,--who had their claims paid. There was<sup>11</sup> Elakiah (sic) Malcolm, the Lieut. General of the rebel army ((who)) filed a claim, and ... it was allowed, and he was paid; and ... David Haggerman, of Norwich, the Commissary of the rebel army<sup>12</sup> a notorious rebel,<sup>13</sup> filed a claim and got paid; and Dr.<sup>14</sup> John Tooke,<sup>15</sup> of Norwich, who was convicted of high treason, and sentenced to be hanged,<sup>16</sup> (hear, hear,) but the sentence having been committed to banishment, returned to the country after the Amnesty had been proclaimed, and setting up a claim for his property that had been destroyed, was paid by the loyal Commissioners. (Cheers.) These were only two or three cases, but he could mention<sup>17</sup> whole dozens<sup>18</sup> of similar cases, to show that men whom the hon. and gallant knight well knew to be active rebels, were paid. (Cheers.) He mentioned these facts to explain the reasons why he desired the papers to be laid on the table. They would show that<sup>19</sup> notwithstanding all the cry of the members opposite about loyalty, and about the impropriety of paying rebels, that<sup>20</sup> the Upper Canada Act had been so worded that it was out of the power of the Commissioners to act in any other manner; they recommended those claims of indemnification to a Conservative Government for payment--and they were paid.<sup>21</sup> He did not suppose that the hon. and gallant Knight intended to pay those persons, but the Act was framed



in such a manner that no objection could be offered against the receiving of their claims, and it showed the difficulty of making any distinction between the classes of persons to be paid.<sup>22</sup> They would also show how extraordinary was the conduct of hon. gentlemen opposite, in raising an absurd agitation from one end of the Province to the other, under the pretext that they had never paid a rebel's claim.<sup>23</sup>

SIR A. MACNAB could not understand why the hon. gentleman should not bring forward the motion until the Bill would be about to be read for the third time, but, he supposed<sup>24</sup> the Hon. Inspector General had made a great discovery, and being apprehensive of a strong debate, wished to fortify himself beforehand, and he did not wonder at him.<sup>25</sup> With regard to the payment of the individuals who had been mentioned, he (Sir A.) knew that they were rebels--cries of hear, hear,--and he had heard it stated that they had been paid.<sup>26</sup> The hon. gentleman seemed to think that the late Government was exceedingly culpable in paying the claims ... and he admitted that the proceeding excited the greatest dissatisfaction and disgust throughout the whole of Upper Canada.<sup>27</sup> The Commission would show quite clearly what kind of person it was intended to pay, and they would find that it was not intended to pay such persons.<sup>28</sup> It appeared to him, however, that besides the information which the hon. gentleman desired to put in the possession of hon. members, his motion showed something more--it showed the course that the Ministry were determined to pursue--(hear, hear), it showed clearly their determination to pay the whole of the Lower Canada, rebels, under pretence that the Upper Canada rebels had been paid by the late Administration. He would like to know, however, how it was that the hon. gentlemen had been induced to recommend those returned rebels to office? There was the late Lieut. Gen. Duncomb,<sup>29</sup> Kelly the Adjutant General to the Rebel army, and whom the hon. member had appointed an officer of Militia, and there was also Elishia Hall, whom they had also appointed to office.<sup>30</sup>

MR. INSP. GEN. HINCKS said that the hon. gentleman opposite was mistaken, when he said that Elishia Hall had been recommended to a Commission in the Militia. It was true that he was the Agent for the sale of Marriage Licenses; but the Elisha Hall spoken of in the newspapers was altogether a different person.<sup>31</sup>

SIR A. MACNAB continued. The hon. member brings down the papers now because the Commissioners had behaved just as bad as himself; but he (Sir Allan) would like to know if<sup>32</sup> the hon. gentleman could show by any Act of the Government, that they had directed those persons to be paid?<sup>33</sup> That had been mentioned.<sup>34</sup> If the Bill was drawn up in a loose manner and these individuals had been paid, he (Sir Allan) did not see what it had to do with the matter.<sup>35</sup> He was glad that the motion had been made, and he would support it;<sup>36</sup> and be very glad to see the information,<sup>37</sup> and, perhaps, the hon. member would allow him to move an amendment, for the purpose of getting the papers which he (Sir Allan) moved a few days ago for; and he would also like to ask for the names of all the rebels who had been appointed to offices.<sup>38</sup>

MR. H. SHERWOOD was very glad that the motion had been made<sup>39</sup> and was quite prepared to acquiesce to it.<sup>40</sup> From the remarks which had been made,

and from the hon. members making the motion, it was quite clear that<sup>41</sup> the hon. gentlemen opposite were about to admit, at the last stage in the proceedings, before the Bill passed, that they did intend to pay<sup>42</sup> all the persons engaged in the rebellion but those who had been convicted or sent to Bermuda, at least the members on his (Mr. S.) side had a right to assume that they intended to do so, in consequence of the members opposite remaining silent when asked whether they intended to pay rebels or not; and they had<sup>43</sup> from the commencement to the end of this proceeding<sup>44</sup> attempted to justify<sup>45</sup> their improper conduct by the acts of their predecessors<sup>46</sup> and they produced those papers for the purpose of showing what claims were paid by them.<sup>47</sup> They now wanted to justify the payment of rebels, because certain Commissioners in the County of Oxford had recommended the payment of certain individuals whom the Inspector General had described as rebels. He (Mr. Sherwood) should like the hon. member to ask for a return of the reports of all the Commissioners in various parts of Upper Canada, and see what system was adopted.<sup>48</sup> And if Messrs. Harriss and Carroll<sup>49</sup> the Commissioners in the County of Oxford chose, under an Act of Parliament, and under the oaths they had taken, to report that the claims of A, B, or C were just claims, they did not say they were the claims of rebels. The Government, of course, received and paid them; but had they reported to the Government that they were claims of persons who<sup>50</sup> held offices in the rebel army<sup>51</sup> the Government never would have recognized or paid them<sup>52</sup> and if such claims were allowed by the Commissioners, it was an exception to the<sup>53</sup> general<sup>54</sup> rule which prevailed through the whole of Upper Canada. The House would see by the preamble of the Acts that it was not intended to pay such persons. (The hon. member here referred to the Acts of Upper Canada, to show that the government only intended to pay the losses of loyalists.) If those persons have been paid, it must have been without a knowledge connected with the cases, and they never would have been paid if the real facts of the case had been brought before the government. And if the Act of Parliament in Upper Canada did not authorise the payment of such claims, how could they blame the then government or any person on his side of the House, who never consented that those persons should be paid, if the commissioners thought fit to receive their claims contrary to the Act of Parliament. He would like to know the names of all the commissioners, not only for the county of Oxford, but those of the commissioners for other parts of the country, in order to know if any of them have transgressed the law, because he thought them to be unfit to hold any office under government; but it was not very probable that any of them had done so, for if any of them had paid rebels, the House would have heard of it long ago. Would the hon. member tell him that the commissioners in other parts of the country paid rebels?<sup>55</sup>

MR. INSP. GEN. HINCKS.--There was no rebels in any other parts of the country but in the County of Oxford and the Home District.<sup>56</sup>

MR. H. SHERWOOD.--Did the hon. member mean to say that there was no rebellion in the Western District?<sup>57</sup> None in the County of Essex?<sup>58</sup>

No, no.<sup>59</sup>

MR. H. SHERWOOD.--Were there not men who acted up there to invite the privates over from Detroit?<sup>60</sup>

A voice.--<sup>61</sup> Yes, but there were no rebels.<sup>62</sup> They did not belong to

the county.<sup>63</sup>

MR. H. SHERWOOD.--And were there no rebels in the Victoria District? They told him (Mr. S.) there were no rebels at that time in other parts of the country, but in the County of Oxford and the Home District. Who was General Putnam, who resided for many years in the London District,--did he not abscond from London? and did he not join in the invasion? and was he not killed at Windsor?<sup>64</sup>

MR. INSP. GEN. HINCKS.--Putnam came from the County of Oxford.<sup>65</sup>

MR. H. SHERWOOD.--That was just the place that they would look to for to find such kind of persons. The hon. gentleman said that Eliakah Malcolm, General of the rebel army, filed a claim, and that he was paid--this was the same person whom the hon. Inspector had recommended to be appointed a Lieut. Colonel of militia.<sup>66</sup>

MR. INSP. GEN. HINCKS said he never recommended him to the office of Lieut. Colonel of Militia. He did recommend Mr. Malcolm to an office in the Militia, but not for the one mentioned.<sup>67</sup>

MR. H. SHERWOOD.--That explanation was just upon a piece with all the proceedings of the hon. member; he had taken advantage of a slight error as to the office, to deny his having offered Malcolm an appointment upon a former occasion.--There were also other rebels appointed to office by the hon. members opposite.<sup>68</sup>

MR. AT. GEN. LAFONTAINE.--Your own Government appointed rebels.<sup>69</sup>

MR. H. SHERWOOD.--He could only say then that in that case his own Government had disgraced themselves. But when was a rebel appointed by the late Ministry?<sup>70</sup>

MR. AT. GEN. LAFONTAINE.--Bonaventure Viger.<sup>71</sup>

MR. H. SHERWOOD.--Bonaventure Viger!<sup>72</sup> That person might be engaged in the Lower Canada Rebellion, about which he (Mr. S.) did not know anything; but he defied them to point out any person who was engaged in the Upper Canada rebellion being appointed to office by the late Ministry. He could not say anything about any appointments which were made in Lower Canada, because the Upper Canada members of the Administration were obliged to act, to a great extent, upon the representations of the members from the other section of the province.--But if they took Upper Canada, he would defy any person to show that the Ministry with which he was connected were prepared to appoint any such persons to office they were not even prepared to forgive them, much less to give them offices. He (Mr. S.) had joined in the Amnesty, because he thought it was an act of mercy to those persons, and that they had repented of their sins; but he did not think that the moment it was passed--the moment they were whitewashed--they would stand up and call upon them to pay their losses, suffered in consequence of their own acts. He saw from the letter from Mr. W. L. Mackenzie, published in one of the city papers, that he had made no claim, and that he asked no office or favour from the Government. He (Mr. S.) did not think that Mackenzie had such fine feelings about him, but he thought that such should be the feelings of all who had received any benefit by the act of amnesty, whom he did not think should ever open their lips about losses. And the paying of those persons, and the appointing of



them to office, was a state of things he never expected to have seen. He would again say that he was glad that the motion for the persons had been made, and he hoped that they would get them before the 3rd reading of the bill; he also hoped that the papers asked for by the hon. Knight from Hamilton would be granted.<sup>73</sup>

MR. AT. GEN. BALDWIN really could not understand either the logic or the political morality of the hon. member for Toronto. The hon. member made a distinction between<sup>74</sup> the appointments made in Upper and Lower Canada;<sup>75</sup> as if what was an atrocious crime, a piece of political iniquity in Upper Canada, was justifiable when committed in Lower Canada. The hon. member was perfectly ready to stand responsible to the people of Canada for having made appointments from what he called the depth of the Lower Canada rebellion about which he knew nothing.<sup>76</sup> What the hon. member said about members from one section of the Province trusting their colleagues from the other section as to measures and appointments for that section was quite true; but still the hon. gentleman was responsible for the acts of the Ministry with which he was connected.<sup>77</sup> Or, did he mean to say that the half of the Cabinet from the Upper section did not consider themselves responsible in the late Administration for the appointments and acts of those who were from Lower Canada? Was that the way they performed their duty to United Canada?<sup>78</sup>

MR. H. SHERWOOD was quite prepared to take the responsibility of all the acts of the late Administration, during the time that he was a member of it. He merely meant to say, that not knowing much about the affairs of this section of the Province<sup>79</sup> ((and)) not ((being)) acquainted with the people ... he was ... obliged to trust to his colleagues; he never heard of the name of Bonaventure Viger; if he was appointed during the time he (Mr. S.) was connected with the Government, it was without his being made aware of the character of Viger. He (Mr. S.) however, did not deny his responsibility for all the acts of the Government while he was connected with it.<sup>80</sup>

MR. AT. GEN. BALDWIN said the hon. gentleman was quite as responsible for the appointment as if he had known all about it. Were they to suppose that the colleagues of the hon. gentleman were in the habit of imposing on him, so as to obtain his sanction to appointments without letting him know the character or conduct of the parties appointed?<sup>81</sup>

MR. H. SHERWOOD.--I think the appointment was made before I<sup>82</sup> ever entered the Government.<sup>83</sup>

MR. AT. GEN. BALDWIN.--When he spoke of the late Ministry, he did not mean to say the hon. member was individually responsible, or that he was a member of the Ministry at that particular time, but he spoke of the Administration which was composed of the hon. member's friends, and whom he supported, and, consequently, was in some degree responsible for, along with the other members of the party. The Administration, supported by the party opposite, appointed Bonaventure Viger<sup>84</sup>.

MR. H. SHERWOOD.--To what situation?<sup>85</sup>

MR. AT. GEN. LAFONTAINE.--Captain of Militia, when the hon. member for Sherbrooke was Adjutant General. (Loud cries of hear, hear.)<sup>86</sup>

MR. AT. GEN. BALDWIN.--Yes; Mr. Viger was appointed by the member for Sherbrooke. (Hear.)<sup>87</sup>

COL. GUGY.--It was quite incredible.--(Laughter.)<sup>88</sup>

MR. AT. GEN. BALDWIN.--Yes? it was incredible. What, the hon. member for Sherbrooke? He, the very pink of loyalty,--he, who was so full of loyalty, that it absorbed his whole body and soul,--he appointed a rebel to office. Why, he (Mr. B.) could scarcely believe it; the<sup>89</sup> astounding<sup>90</sup> information that he had done so had taken him quite aback.--(Laughter.)<sup>91</sup> But that was not the only appointment that the hon. gentlemen made from among those who were compromised in the rebellion.<sup>92</sup> They appointed Mr. Masson<sup>93</sup> who received an appointment in the civil department of the Government<sup>94</sup>. The hon. members opposite had appointed to office both civil and military, persons who certainly had been engaged in the Rebellion. He (Mr. B.) could not conceive of there being any difference between appointments made from the depth of Lower Canada Rebellion and those made from the depth of Upper Canada Rebellion. But the hon. gentlemen opposite had also not only taken persons from the depth of Upper Canada Rebellion, but they had even taken persons from that sink of iniquity, the County of Oxford, and appointed them to office.<sup>95</sup>

MR. H. SHERWOOD.--Who's that?<sup>96</sup>

MR. AT. GEN. BALDWIN.--There was Mr. J. A. Tidy, who was most actively engaged in the Rebellion,<sup>97</sup> appointed a Magistrate--a Justice of the Peace<sup>98</sup> for the purpose of putting down rebellions, and that in the very worst of all places, the County of Oxford.<sup>99</sup>

COL. GUGY.--What rank did Tidy hold in the rebel army?<sup>100</sup>

MR. AT. GEN. BALDWIN did not know, but the hon. and gallant Knight for Hamilton, who dug up the records of the rebel army, was, probably, able to inform the hon. member. So it really seemed that there was no difference between Upper and Lower Canada rebels, and the hon. gentlemen did not make and difference between them. He did not blame the hon. members for having made such appointments; he was quite willing to believe that they made them with a view to healing the wounds of the country<sup>101</sup>, to forgive and forget.<sup>102</sup> Yes, he had brought himself to believe, although it was very hard to do so, that the hon. gentlemen had actually done something good by making the appointments with the view he had just mentioned. The Hon. member for Toronto had not perfectly understood the remark of his Hon. friend from Oxford, when the Hon. member for Oxford said, that there was no Rebellion in the Western District. He merely meant to say that there were no persons engaged in it who were residents in the Districts, or who had property destroyed (sic), and that there was no use of moving for the returns of the Commissioners for that District, because that no rebels ud (sic) because there were none who suffered loss. It was only in the Counties of York and Oxford that there were any persons in the Rebellion who suffered loss. He (Mr. B.) did not believe that the Hon. member for Toronto desired to remunerate any such persons, but it only showed the difficulties which surrounded such a measure as the present one.<sup>103</sup> They had felt--what any Government would feel--the absolute impossibility of entering on such an enquiry.<sup>104</sup> The hon. members

opposite passed their Act, and issued their Commission<sup>105</sup> not for the purpose of paying those compromised in the rebellion, but<sup>106</sup> just in such terms, as would entitle persons of that kind to file claims, because there was not a word in the Act to prohibit them from doing so. The Commissioners, no doubt, would have rejected such claims if they could, but they found a difficulty which would be experienced by all Commissioners, of assuming such inquisitorial powers as would enable them to decide on who were loyal and who were not; and he (Mr. B.) believed that they felt themselves bound to receive all claims. He did not believe that one single claim, from the one end of the Province to the other, was rejected, for if there were any claims rejected, it would surely be claims such as those which had been mentioned.<sup>107</sup> And surely if any claims were to be rejected, they were such claims as those of the parties named by the hon. Inspector General, who had taken such a prominent part in the trouble.<sup>108</sup> The hon. member opposite<sup>109</sup>, Sir Allan MacNab<sup>110</sup>, said, that a great deal of indignation had been created throughout the country by the present measure, but would the country not feel more indignant when it found out what the men who had talked so much about their loyalty, and about the iniquity of paying rebels, had themselves done; and had not the members on his (Mr. B.'s) side a right to be indignant at the language which the hon. members opposite had used about their paying rebels, when the hon. members themselves had done so. The hon. members opposite did not care a farthing who was paid; the agitation which they had got up, on the present occasion, was only for the purpose of damaging the present Administration. The Act which his friends proposed was just the same as that of the hon. members opposite, only more restricted. He did not say he gave this as a reason for the Ministry bringing forward this measure, because he would be very sorry if he could not give a better reason for his proceedings than the acts of the ex-Ministry, but he stated this merely to show that it did not become the hon. gentlemen opposite to raise any objection to it; and he was confident that the country would yet approve of the measure. It was true that members opposite had succeeded in getting up all little excitement and disturbance in some parts of the Province but he felt no apprehension on that account, he read of votes of want of confidence in Ministers passed at meetings in different parts of the country, but they came from persons who never had any confidence in the Ministers, and who had done all in their power at the last election to oppose them.--It was true that here and there a supporter of the Ministry might be found, who, led away by the gross misrepresentations so assiduously circulated, had put their names to requisitions and petitions; but let not the hon. gentlemen opposite flatter themselves that they would remain faithful to them. He (Mr. B.) felt no apprehension on that score; the eyes of these people were beginning to be opened,<sup>112</sup> to see the truth,<sup>113</sup> and even among their own supporters the excitement was dying away, and in a few months they would hear no more of this nine-day wonder, out of which so much political capital had been made by the hon. gentlemen throughout the Province. He doubted not that when the sound sense and calm second thought of the people of Canada should be brought to bear on this question, every step taken with regard to it by the present Administration would be justified, and that the next general election, whenever it should arrive, would not show a gain to the hon. gentlemen of a dozen votes by this measure.<sup>114</sup>



SIR A. MACNAB was very glad that the discovery of the Hon. Inspector-General, that a few rebels had been paid, had put the Hon. and gallant Colonel from the Fourth Riding in such high spirits. The Hon. gentleman was a Colonel, and so was he (Sir A.) but he was contented to leave it to the people of Upper Canada to judge, which of the two had performed their duty to the country best, but if the Hon. member intended to continue to attack him (Sir A.) upon every occasion, he hoped that the Hon. gentleman would be content with speaking against him, and not resort to writing and publishing his speeches and spreading them all over the country. The Hon. member had charged him with digging up rebels.<sup>115</sup>

MR. AT. GEN. BALDWIN.--Only the records of their army.<sup>116</sup>

SIR A. MACNAB.--He (Sir A.) was not sure but that he said that he dug up the rebels themselves; but he would only say, that it would not be difficult for him to dig up all the rebels the Hon. and gallant Colonel ever killed.--(Laughter.)--The Hon. member had also said, that he (Sir A.) knew that a few rebels in Upper Canada had been paid, and that he had never mentioned it. He did know that Elisha Hall had been paid, but he never thought it worthwhile to mention it. He was glad that the Hon. Inspector-General had made his motion and he hoped that the hon. gentleman would give him the information which he asked for a few days ago, and they would then get the whole truth before them; but the hon. gentlemen opposite must not consider, that because a few rebels had been paid in Upper Canada, in consequence of the Commissioners having made a mistake and not acted according to the law, that it offered any justification for paying rebels in Lower Canada; it only showed the necessity of their having the Return of the Commissioners laid before them, before they issued any Debentures. The rebels, in the County of Oxford, had been pretty well rewarded by the Inspector-General, even if they did not get their claims paid; he knew that the Hon. gentleman had got one of his partisans, who acted as a Deputy Returning-Officer at last Election, made a Colonel, and he knew that he had recommended Erika (sic) Malcolm, and Kelly, his Adjutant, to offices in the Militia, and he admitted that Elisha Hall, who was a rebel, had got an appointment. He (Sir S.) was not aware of any other appointment; he had no doubt that the Hon. gentleman had taken care that all the offices which fell into his power were filled with men who had been in the heat of the Rebellion, and he was led to believe that they intended to give Mr. Finlay Malcolm, who was tried for high treason, and for whose apprehension a reward of £250 was offered, an appointment. He was quite prepared to vote for the motion, and he hoped that the papers, which he asked for, would also be given, and he would also like to obtain a list of all the persons, engaged in the Rebellion, who had been appointed to offices, both in Upper and Lower Canada; he would, therefore, move an amendment, that all the papers he formerly asked for, and also a detailed list of the persons engaged in the Rebellion, who had been appointed to office be asked for.<sup>117</sup>

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*Sir Allan N. MacNab moved in amendment to the Questions, seconded by Mr. Gully, That the words "and also a detailed Statement of the number and names*

*of the persons convicted of or charged with Treason in Canada, during the years 1937 and 1838, who have since been appointed to office of honor, profit, or emolument, with the dates of their appointment," be added at the end thereof.*

MR. INSP. GEN. HINCKS rose to a point of order.<sup>118</sup> ((He)) would like to know whether that part of the amendment, asking for the papers which had already been refused,<sup>119</sup> on a previous evening,<sup>120</sup> could again be put to the House.<sup>121</sup>

MR. MORIN.--MR. SPEAKER, decided that the part of the amendment, which had already been decided, could not be again put, and he would, therefore, strike it out of the amendment.<sup>122</sup>

DR. LATERRIERE would like to know if the papers were to be asked for, in order that they might have a fifth or sixth edition of the history of the Rebellion; he must protest against any more time of the House being wasted in discussing the matter, and he would read an extract from the Toronto Telegraph, which, he thought, contained some good advice to members. The hon. gentleman then read an extract, which went on to say, that if the Legislature paid more attention to the wants of the country, instead of wasting time in personal squabbles, it would be more honorable to it, and more profitable to the country.<sup>123</sup>

SIR A. MACNAB was quite ready to allow that part of his amendment, which had been declared out of order, to be struck out; he did not expect the hon. gentlemen would give them the information they wanted, although they were quite ready to give the House every information which they thought would prove favourable to themselves.<sup>124</sup>

COL. GUGY rose for the purpose of exonerating the members of the late Ministry from the charge which had been brought against them by the Attorney-General West. He (Col. G.) desired it to be understood that during the time he held the office of Adjutant-General he recommended appointments to the Governor-General, and that he was not under the influence of any member of the Administration. He (Col. G.) accepted office on the condition that he should not be under the influence of the Ministry, and the Governor-General assented to his views, because that he (Col. G.) was desirous that party politics should have nothing to do with Militia appointments. He (Col. G.) knew that there were thousands of persons who had taken part in the Rebellion, and who had seen the error of their ways, and when he saw that they were disposed to serve their Sovereign, he<sup>125</sup> recommended those men for commissions, and took the whole of the responsibility<sup>126</sup> of appointing them. At the time, they were under the expectation of a war breaking out between Great Britain and the United States, and he was told to put the Militia, which had not been touched for twelve years, in a condition to repel any invasion. He was told by the Governor--"You know every body, and do just what you see fit;" and he (Col. G.) took upon himself the responsibility of nominating such persons as he thought fit, and, among others, he appointed B. Viger, without any members of the Administration knowing any thing about it. A different state of things now existed, because the Hon. Inspector-General admitted that he had taken part in the Militia appointments, and the Adjutant-General, instead of being entirely independent of the

Ministry, had now become a subordinate under their control, and the appointments had now become a reward for political services. Such being the present system, the Ministry must be considered responsible for all Militia appointments. He (Col. G.) would not have accepted office under such a state of things, and he had lost his office because that he declined to act upon the suggestion of a member of the Ministry to remove a friend of the members opposite to make room for a friend of that member of the Government. The Ministry never interfered with him, but one single member of it did, and in consequence of the manner in which he met that interference, he was dismissed from Office. He trusted the explanation he had made would be sufficient to acquit the members of the late Administration from any participation in the appointment of B. Viger.<sup>127</sup>

MR. H. SHERWOOD made some remarks, in answer to those which fell from the Attorney-General West, about the excitement caused by the measure to pay the Rebellion Losses dying away, and as to the indignation it created being confined to those who were opponents of the Ministry.<sup>128</sup> The hon. Attorney-General was only endeavouring to throw dust in the eyes of the people; but he would find himself very much mistaken if he imagined that<sup>129</sup> the excitement would soon disappear; and he prophesied that very few of the members from Upper Canada, who voted for the measure, would ever be returned to that House at next election.<sup>130</sup>

MR. J. SCOTT (Bytown) said that he was glad to have an opportunity of saying a few words with regard to the petition which had been sent here by a portion of his constituents, against the payment of the Rebellion Losses. The impertinence of the parties that sent that petition up was scarcely to be borne. If it were placarded in the streets of Bytown as an expression of public opinion, the very boys would laugh at it.<sup>131</sup> Of the 300 or 400 persons who signed the Petition, only 57 were voters, and the remainder were persons of a very low class, who were not freeholders; a great majority of the persons who signed the Petition were carters, laborers, servant-men, and paupers.<sup>132</sup> It had been pretended that it was an expression of want of confidence in him, on the part of his constituents. So far from being the case, only seven of those who supported him at the hustings had signed it, whilst all the rest of the signatures were those of his opponents. With respects to the appointments in the Militia, he was of opinion that they should be under the control of the Executive Council, instead of being left exclusively to the discretion of the Adjutant General.<sup>133</sup>

MR. AT. GEN. LAFONTAINE made some technical objections to the amendment of the hon. and gallant knight. He proceeded to refer to the hon. member for Sherbrooke, at the time when he was Adjutant-General. He<sup>134</sup> could scarcely believe that the hon. gentleman opposite, who lately filled the situation of Adjutant-General for Lower Canada, had been able to eradicate all political leanings from his mind, for it would be remembered that when he had given commissions to all the newspaper proprietors in Montreal, he had unfortunately omitted his hon. friend from Oxford<sup>135</sup> which looked suspicious.<sup>136</sup> (Laughter.)<sup>137</sup> More men had been made by the press of the country than by any other means. He was sorry to see the hon. gentleman take so much pains.<sup>138</sup> And it could be scarcely surprising, for if the hon. gentleman would mention the date of his appointment--<sup>139</sup>



COL. GUGY.--"March, 1841." (Hear, hear.)<sup>140</sup>

MR. AT. GEN. LAFONTAINE.--Exactly. The hon. gentleman was appointed at a time when Lord Sydenham was exceedingly anxious to obtain a majority. (Hear, hear.) On the subject of responsibility with regard to Commissions in the Militia, he need only call the attention of hon. gentlemen to the declaration of Mr. Draper--when he filled the chair now occupied by the hon. Attorney General West--that if he were not consulted on every<sup>141</sup> Militia<sup>142</sup> appointment, he would not remain in office for a single hour.<sup>143</sup>

MR. H. SHERWOOD thought that the hon. member must have misunderstood his friend Mr. Draper. He (Mr. S.) knew that it had only reference to the head of the department.<sup>144</sup>

SIR A. MACNAB asked whether the hon. gentleman wished the House to understand, that the Militia appointments were completely under the control of the Executive.<sup>145</sup>

MR. AT. GEN. LAFONTAINE said that they considered themselves answerable for all appointments.<sup>146</sup>

MR. INSP. GEN. HINCKS said that he should go a little into the question as his letter had been alluded to.<sup>147</sup> He had heard, with much pleasure, the announcement made by the hon. gentleman opposite, that when he filled the office of the Adjutant General of Militia, he had considered it his duty to appoint persons to situations irrespective of party bias.<sup>148</sup> Militia appointments ought not to be made on party ground, and all parties in the country should be made to feel that it is open to them; that was a general principle on which they were all agreed.<sup>149</sup> But he was entirely opposed to the principle that the hon. gentleman supported, that the responsibility of making appointments should rest upon the Adjutant General.<sup>150</sup> It was all very well for the hon. member for Toronto to say that they did not interfere.<sup>151</sup> For while the Deputy Adjutant General of Upper Canada was the sole mode of communicating with the Head of the Government, even as he (Col. Guly) had been in Lower Canada, under the present system the Deputy Adjutant General takes advice from the members of counties, whereas he never would receive any advice, except from the Colonels of Battalions. The old system was exceedingly objectionable, for every Colonel of a Battalion was a Tory, and they sedulously excluded every Reformer from their lists for promotion,<sup>152</sup> and ... would not recommend persons of a different party. The Governor could not know anything of persons whose names were submitted. When he (Mr. H.) first went to the County of Oxford, there were six battalions and every officer was an opponent of his. Reformers were entirely excluded<sup>153</sup>. The most influential people in the county were carefully kept out<sup>154</sup> and that was just the way of extending justice to all classes of Her Majesty's subjects. He (Mr. H.) looked into it and said it was not fair. He believed that the Deputy Adjutant General was desirous of acting with fairness; he (Mr. H.) was opposed to him in politics, but he believed that he wanted to do justice.<sup>155</sup> Reference had been made to a letter, a private letter, which he wrote to Colonel Whitehead--not as an officer of the Government, but as a representative of the county, in consequence of his sending an exclusive list to the Deputy Adjutant Gen., requesting him to amend his list, and if he had not done so, he should have felt it his duty to apply to the Adjutant General, and

inform him that the Government did not wish to make the Militia appointments a political question; but yet that Colonel Whitehead chose to set himself up against the Government, and therefore he would advise him to send the list back again.<sup>156</sup> He had not preserved a copy of it relative to these appointments, and it was only a letter of advice. He proceeded to remark on recent appointments.<sup>157</sup> Some of those ... appointments had given so much dissatisfaction<sup>158</sup>. Mr. E. Malcolm had been engaged in the Rebellion but after the act of amnesty had been passed, it was no use to drag it up then. The Malcolms had a high place in society, and he told Col. Whitehead that he had not one member of the Malcolm family on his lists. He had listened with pleasure to the remarks of the hon. member for Sherbrooke, that these appointments should not be political. It was for the interest of the country, to have such men as the Malcolms in the Militia.<sup>159</sup> The Malcolms among others, were industrious, influential people<sup>160</sup>. If in a moment of anger they were in Rebellion in 1837 and 8, had they not, in 1812, turned out and<sup>161</sup> done good service to their country against the foreign enemy<sup>162</sup>? They had served under Brock and one of them was called Isaac Brock Malcolm, after that gallant officer. He said that because they had turned out in a moment of irritation, it was not politic nor right that they should be deprived of any appointments now.<sup>163</sup> It would be most unjust to deprive them of all hope of reconciliation, and expose them continually to the obloquy of the whole populace, because they had done that, in a moment of extreme irritation, which they had very possibly regretted most sincerely.<sup>164</sup> Yet, in spite of all recommendation, Col. Whitehead persisted in the course he had taken. The reformers of the country were most modest, they only wanted fair play; they did not want all; out of 8 battalions, they only took two.<sup>165</sup> What was to be thought of the elevation to the bench of Mr. Tidy, a most notorious rebel, by the late Administration? (Hear, hear.)<sup>166</sup>

SIR A. MACNAB did not remember that he was.<sup>167</sup>

MR. INSP. GEN. HINCKS.--No. The gentleman might not remember, but he did not remember that he was ever called a loyalist. (Laughter.)<sup>168</sup> Why this Mr. Tidy was the only man that had turned and joined the Tory party, and therefore his appointment was held out as an encouragement to others of the same class to turn. (Cheers.)<sup>169</sup> If they could have got him (Mr. H.) turned out by mention of Mr. Malcolm, they could then have made Mr. M. a Major, or Lieut. Colonel.<sup>170</sup> In connection with that subject, he would mention an instance of the freedom from all political bias in the conduct of the late Adjutant General for Lower Canada. The hon. gentleman who had filled that situation would, no doubt, remember that at one time the name of hon. member for Two Mountains stood on the books as a Major, with the words "dismissed rebel" appended.<sup>171</sup> (Laughter.) He trusted the House would see the inexpediency of the amendment of the hon. and gallant Knight. He (Mr. H.) had only asked for the names of the Commissioners. The country would say whether they were to be blamed for passing an Act more stringent than their predecessors.<sup>172</sup> Now a full-blooded loyalist, who had turned out and fought for the Tory party, had been commissioned in his place, at which the hon. member was, no doubt, exceedingly grieved, for, at a certain crisis, he made use of the political power in his hands, to such a purpose that the loyalist was obliged to give way, and the "dismissed rebel" regained his old rank.<sup>173</sup>

MR. H. BOULTON (Norfolk) said, that as his name had been brought into the discussion, he was desirous of explaining what his views were. They had been told that they were to blame for following the wrong views of their predecessors; if it were not too great a presumption they would presume them right, and that they meant to do well. He would not look at what they now said, but at what they had written. If they disapproved of Mr. Daly's letters, why did they stick to him. He (Mr. B.) had been present when the Commission sat in Upper Canada, and he had never heard the question put if a man were a Rebel or not; and he had known persons paid who had been Rebels. He (Mr. B.) was willing to pay every man, whether he had been engaged in the Rebellion or not, if he had not been convicted in Courts of Justice. Appointments to the Militia had always been a jobbing concern. Tory Colonels had always contrived to exclude all Reformers.<sup>174</sup>

No, no, from MR. H. SMITH of Frontenac.<sup>175</sup>

MR. H. BOULTON.--No, no, you don't know anything about it in any country; he asserted that there had always been the jobbing he stated, and it had been carried even to vindictiveness. He proceeded to give some details, and concluded by observing that he did not think that those appointments ought to be political.<sup>176</sup>

MR. ROBINSON thought they had been speaking about everything but the question before the House. A great deal had been said respecting the appointments in the Militia, and he was sorry to hear the Inspector General make the remarks on this subject which he had done, as it appeared to him that it was now intended to make Militia appointments, subservient to politics.<sup>177</sup> He confessed that, in his letter to Col. Whitehead, he had told that gentleman to send him such names as he approved of. He (Mr. R.) thought that political appointments were one of those things which Responsible Government should be kept out of. The hon. member for Norfolk had told them, that as long as he could remember, that these appointments had been nothing else than jobbing on the part of the Tories.<sup>178</sup> But he did not think it a very long time since that gentleman was a Tory himself.<sup>179</sup>

Loud cries of hear, hear, from the Opposition Benches.<sup>180</sup>

MR. H. BOULTON denied it.<sup>181</sup>

MR. ROBINSON.--He did not believe that in Upper Canada, the Tories had made politics the test of appointment<sup>182</sup>. There had been jobbing in his country (sic) and it was high Tory.<sup>183</sup> In fact all that was taken into consideration, was whether the party was fitted for the office to which he was appointed. This was the test they had adopted and no other. He was sorry, therefore, that<sup>184</sup> the public should be made to believe that<sup>185</sup> the present Government wanted to make politics the test of appointment<sup>186</sup> and he thought that the Colonels had been improperly spoken of.<sup>187</sup>

MR. AS. COM. P. W. CAMERON (Kent) thought the hon. gentleman who had just spoken, must have been asleep during half the debate; for, after having lectured the members who had spoken about wandering from the question before the House, he himself had spoken only of militia appointments, as if that were the subject before them. (Hear, hear, and laughter.) The hon. member had stated that Reformers had not been excluded by the Tories from the



militia; but although many appointments had been made in his County, and notwithstanding that he thought<sup>188</sup> that he would have made as good a looking officer as any in the country<sup>189</sup> whom he had seen appointed<sup>190</sup>, he had always thought that it was for political reasons that he had not been appointed and left to remain a full private. (Laughter.) There had been from the beginning of the debate misrepresentation. They had been told that their Bill was not like that of Upper Canada, and defied them to show when rebels had been paid; they showed them that not only had rebels been paid, but those who had been convicted. They (the opposition,) had excused themselves by talking about militia appointments. The government was now to be blamed for passing a bill more stringent than theirs.<sup>191</sup>

COL. GUGY thought that when his conduct had been approved by hon. gentleman opposite, he began to doubt whether he had acted right. If the Militia was to pass through a political ordeal, it would be extremely detrimental to the Militia of the Province. It would not be forgotten how the Hon. Inspector General had deserted Lord Sydenham, and whatever might be said of him (Col. Guky) it never could be said that he had deserted his ranks. He had also been told by Lord Metcalfe, that one of the differences between him and the Ministry who had then gone out of office, and who were now in, was their wish to seize upon the walls of the country--the Militia--in order to use them for their own political views.<sup>192</sup>

MR. H. BOULTON (Norfolk) rose to order. He did not think that conversations with the head of the Government ought to be made use of in that House.<sup>193</sup>

MR. MORIN the SPEAKER decided that there was no rule of order on the subject.<sup>194</sup>

COL. GUGY would ask the hon. member's advice when he wanted it, and he thought he ought best judge of what was proper himself. Would it be right to give a person the command of a regiment of Militia who had not their confidence? Such a proceeding would be foolish. With regard to the appointment of the hon. member for Two Mountains, he would take an early opportunity of laying papers before the House which would show that what had been stated concerning it was to say the least of it, untrue in spirit.<sup>195</sup>

MR. H. BOULTON (Norfolk) condemned the practice of coming to the House with the statements of the representative of the Sovereign. What would be thought of a Minister of the Crown in England doing such a thing? and cited a case which he had heard in Westminster Hall in confirmation that such a proceeding was at variance with all constitutional law. The hon. member then referred to the charge of his being a Tory, and said that, to show the charge against him in this respect was unjust, he had introduced a bill to allow marriages to be performed by all denominations. He also referred to the votes he had given on various occasions in the Parliament.<sup>196</sup>

SIR A. MACNAB said, that he was willing that the intentions of the Ministry should go to the country through the debates as taken by the Reporters<sup>197</sup>.

Spoke, spoke.<sup>198</sup>

SIR A. MACNAB.--He thought that hon. gentlemen should be content with

those reports<sup>199</sup> without hon. members writing out and publishing their speeches<sup>200</sup> that had never been spoken.<sup>201</sup>

Loud cries of "Spoke, spoke."<sup>202</sup>

MR. ROBINSON moved that Sir Allan be allowed to speak. (Hear, hear.)<sup>203</sup>

SIR A. MACNAB.--He proceeded to refer to the hon. member for Norfolk who said that he had not been a tory. He (Sir Allan) had known the hon. gentleman's father and friends for a long period, and it was strange that they did not know that he was a reformer. When he held the office of Attorney-General, why did he not resign it for the purpose of giving his assistance to the reformers. They had been told that none but tories had received militia appointments. The hon. Attorney-General West was Colonel, and his brother had also received an appointment; as well as other reformers in the District of Gore, which he knew.<sup>204</sup> He did not consider, judging from these appointments, that Mr. Hincks was a safe person to advise the Governor General on such matters. He (Sir Allan) would not allow a man's political creed to interfere with his appointment to the Militia; but he protested against the appointment of those who had actually been engaged in the rebellion.<sup>205</sup> The hon. Inspector-General had the papers of the Adjutant General at his office, and had taken them out with him to the county of Oxford; he (Sir Allan) did not think it was right. It was not right to take the naming of officers out of the hands of the Colonels. The course which this debate had taken, was owing to the remarks of the hon. Inspector-General.<sup>206</sup>

MR. RICHARDS said a few words respecting the Militia appointments in his country (sic), which were all from the ranks of his political opponents. He deprecated strongly the repeated allusions to the events of 1837, and reminded the hon. and gallant knight from Hamilton of an incident in English history. When the Earl of Chatham relied on the loyalty of the Highlanders who had been out in 1745, and the British Government placed confidence in them, that confidence was not betrayed; and let the gallant knight extend the same amount of confidence to his countrymen who were out in 1837-8, and he might rest assured that confidence would not be betrayed either--(hear, hear);--and he could tell him there were men who went out in 1837-8, who were as loyal as any men in the country.<sup>207</sup> Most hon. members on his side of the House were high privates, and he thought that it was as respectable a list as hon. gentlemen opposite could show.<sup>208</sup>

MR. AT. GEN. BALDWIN said that out of 120 Colonels, there were only about 16 or 17 Reformers.<sup>209</sup>

COL. GUGY again rose amidst vociferous cries of "Spoke, spoke."<sup>210</sup>

MR. H. SMITH (Frontenac) moved that the hon. member be allowed to speak again<sup>211</sup>.

Another hon. member MR. THOMPSON objected<sup>212</sup>.

MR. MORIN the SPEAKER decided that the motion could not be put.<sup>213</sup>

MR. NELSON next addressed the House. He said he felt indignant at the eternal allusions to rebels and rebellion; and he would tell those who thus indulged, that their course was both ungenerous and unjust, and calculated to excite the worst feelings. Every good man, patriot, and honest subject,--

every friend of the country and of its peace and prosperity,--should bury in profound oblivion these irritating topics. But hon. gentlemen of the opposition were continually indulging in expressions which could not fail to engender discord, and mar the prospect of that good feeling and mutual co-operation among all classes so necessary to the advancement of our common country in prosperity and happiness, to which every thing else seemed to beckon it. The gallant knight had said that rebels could not become loyal in eleven years. He (Dr. N.) however, denied that he was or ever had been disloyal to the British Constitution, which he loved to his heart's core. In 1810, many of the most worthy and distinguished Lower Canadians were cast into jail, and one of those excellent patriots died there; yet only two years after, when war was most unexpectedly declared, these same "disloyal" men--these "rebels,"--rallied round the lamented Sir Geo. Prevost, and saved this country to England. He (Dr. N.) felt certain that if another north-eastern boundary question, or our relation to Oregon, or any other subject should ever threaten a war,--these "loyalist" bravados would be more just than they now imagine to those same "rebels," and would count them, that they might, as twice before they had done, fight in the cause of Canada; and depend upon it they would not out-match the "rebels." No, no, they would then discover love enough towards them to allow them to take the lead. He would make bold to say on behalf of his fellow-countrymen, that to a man they would take up arms, and again save Canada to the British Empire, whose glory, strength, and prosperity, both at home in her colonies, rest upon good government. For God's sake, he would urge the burying in eternal forgetfulness what was past--both sides had faults enough, and he committed errors enough; and to rip up old sores was a mark neither of wisdom nor loyalty.--In conclusion, he maintained that respect for the laws and constitution was true loyalty; and he hurled back the epithet with scorn and contempt in the teeth of those who dared to allude to him as a "Rebel."<sup>214</sup>

MR. MALLOCH commenced by remarking on the observations which had fallen from the hon. member for Bytown. That hon. member had spoken of the petition of the inhabitants of Bytown, in a most indignant manner, he had informed them that the petition was not of the electors, but that it had been signed by a parcel of boys, tradesmen, shop boys, carters, and servants. It would be unparliamentary for him (Mr. M.) to characterize that statement as being a direct falsehood. But, the hon. gentleman must know, and the people knew, it was untrue. He (Mr. M.) spoke his own sentiments, and he knew he spoke the sentiments of those who sent him to parliament, when he characterized the measure of the Government as insulting to him and to them. He regretted, both for the sake of hon. gentlemen opposite and the country, that it had been brought forward--it was a deliberate insult to every loyal man in the country.<sup>215</sup>

Hear, hear, from the ministerial benches.<sup>216</sup>

MR. MCCONNELL would say a few words while the members were being called on. He had made the remark, that during the whole of the debate the question had not been even alluded to, while hon. gentlemen had been both quoting history and scripture. Hon. gentlemen had of course read scripture, and they had heard of a certain beautiful Queen who went to visit a wise King, and he (Mr. McC.) wondered if hon. gentlemen could discover if her hair were like white wool or black.<sup>217</sup>



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And the Question being put, That those words be there added; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Christie, Crysler, Gugy, Sir Allan N. MacNab, Malloch, M'Connell, Meyers, Robinson, Seymour, Smith of FRONTENAC, and Stevenson.--(13.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Holmes, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Viger.--(43.)

So it passed in the Negative.

And the Question being again proposed, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper Officer to cause to be lay before this House, the Report of the Commissioners appointed to enquire into, and allow or reject, the claims of the Inhabitants of the County of Oxford, arising out of the late Rebellion and Invasion of this Province.

Sir Allan N. MacNab moved in amendment to the Question, seconded by Mr. Smith, of Frontenac, That all the words after "Inhabitants" to the end of the Question be left out, and the words "of the late Province of Upper Canada, arising out of the late Rebellion and Invasion of this Province," added instead thereof.

SIR A. MACNAB followed in a speech of much humour. 218

COL. GUGY would take the opportunity of replying to some remarks of gentlemen on the opposite side of the House. The hon. Inspector-General had made his speech with a good deal of ingenuity, but he (Col. G.) was prepared to show that he had strayed very wide of the mark. The appointments which he had made were the result of his (Col. G.'s) deliberate convictions. He (Col. G.) was surprised at the inconsistencies of the Hon. Attorney-General East;-- in the circumstances in which he (Col. G.) then was, he could not have been guided by petty motives. His own appointment was offered him by Lord Seaton for his (Col. G.'s) services in arms, and at a time when he was ill with his wounds. When the offer was made, Lord Sydenham redeemed that pledge-- through Mr. Ogden, the Attorney-General, informed him (Col. G.) of that intention. If there were any doubt of his (Col. G.'s) veracity, what he was about to relate would, of course, not be believed. He (Col. G.) was canvassing the County of St. Maurice about the time of his appointment, and, had he been elected it would have been perfectly competent for him to have supported Lord Sydenham or not. The Hon. Inspector-General was the last man in the world who should have made him (Col. G.) the reproach he had done. He had not, like that hon. gentleman, deserted or betrayed his friends, "Jumped Jim Crow" with every charge. He had not been influenced by Lord Sydenham or by sordid motives. He had never betrayed his friends or been publicly taxed with violating confidence. He (Col. G.) had not made appoint-

ments until Lord Metcalfe's time. He had had a conversation with Lord Metcalfe, and that nobleman had told him (Col. G.) that the Baldwin-Lafontaine Ministry had been desirous of taking Militia appointments out of his hands, and making them political, and that he had resisted them.<sup>219</sup>

MR. H. BOULTON (Norfolk) said it was out of order to refer to a conversation of that kind.<sup>220</sup>

MR. MORIN.--MR. SPEAKER decided that it was not out of order, but that it might be injudicious.<sup>221</sup>

COL. GUGY.--Well, that was a matter of taste, and in those things he liked to judge for himself. When he wanted advice he would ask for it. It was important, and he repeated the conversation. With regard to the remarks of the Hon. Attorney-General East, he would observe that that Honorable gentleman must be aware that his (Col. G.'s) office was a non-political one; that he was not eligible for election--that he had no intention to resign his office--and no intention to enter again into political life;--so, that he could not have been guided by political motives in the appointments that he made to the Militia. The Hon. Inspector-General had told them that all he did was to advise the Adjutant-General in making Militia appointments. It was well known that the Inspector-General was a man of energy, and that disagreeable consequences, loss of office, might be likely to follow a disregard of his advise (sic). His advise (sic) amounted to a command, and he would like to see the Adjutant-General receive such advise (sic), and not act upon it; when he gave advise (sic), he knew it would be taken. When war was at hand, Colonels of Militia should have the right of appointing those in whom they have confidence. Who would take men into the field who had not? At that time it was necessary to pay some attention to that relation, but now, perhaps, Ministers might tamper with the Militia, and advise without immediate danger. He would take an early opportunity of bringing papers before the House, and prove that the remarks of the Hon. Inspector-General were not true, in reference to his statement regarding the hon. member for Two Mountains. He could let the country know the particulars.<sup>222</sup>

MR. H. BOULTON (Norfolk) spoke at some length, and endeavoured to demonstrate that he had never been a Tory, as well as to endeavour to show that the hon. and gallant Knight from Hamilton had been an advocate of Responsible Government. He deprecated the allusion of the member for Sherbrooke to private conversations that he had had with the head of the Government.<sup>223</sup>

SIR A. MACNAB replied at some length to both counts. He desired to call the attention of the country to the remarks of the hon. member for Sherbrooke, who had stated that Lord Metcalfe had informed him (the hon. member) that the late Ministry had endeavored to take into their hands appointments of Militia. He was glad that the debate had brought out that fact.<sup>224</sup>

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*And the Question being put on the Amendment:--It was resolved in the Affirmative.*

*Then the main Question, so amended, being put;*

Resolved, *That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper*

Officer to cause to be laid before this House, the Report of the Com-

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missioners appointed to enquire into, and allow or reject, the claims of the Inhabitants of the late Province of Upper Canada, arising out of the late Rebellion and Invasion of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Méthot, seconded by Mr. Taché,

Quebec Forward-  
ing Company  
Bill.

Ordered, That the Order of yesterday, for engrossing the Bill to incorporate certain persons under the name of Quebec Forwarding Company, as amended, be rescinded.

Ordered, That the Bill, as amended, be referred to the Standing Committee on Miscellaneous Private Bills.

On motion of Mr. Holmes, seconded by Mr. Notman,

McGill College.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause the proper Officer to lay before this House, copies of all Papers or Correspondence relative to McGill College between the Authorities in Canada and the Home Government since 1840, and of the Charter and Statutes as now amended, or proposed to be amended; also, a list of the Officers, Teachers, or Professors, (exclusive of the Medical Faculty), with the pay of each, together with a statement of the College Property and Income, the course of study pursued in the Faculty of Arts, and the present number of Students in the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Magog Township  
Bill.

Ordered, That Mr. M'Connell have leave to bring in a Bill to erect a new Township, to be formed out of part of the Township of Hatley and part of the Township of Bolton, in the County of Stanstead.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

On motion of Mr. Thompson, seconded by Mr. Johnson,

Niagara and  
Detroit Rivers  
Railroad.

Ordered, That it be an Instruction to the Standing Committee on Standing Orders, to enquire whether due notice was given in the matter of the renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,



Call of the House.

Resolved, That a Call of the House be made on Friday, the sixteenth day of March instant.

Resolved, That such Members as shall not then attend, be sent for in custody, of the Serjeant at Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to absent Members, except those who are on leave from the House, enclosing to them copies of the preceding Resolutions, signed by the Clerk of this House.

Les Soeurs de la Charité de Bytown Bill.

Ordered, That Mr. Scott, of Bytown, have leave to bring in a Bill to incorporate Les Soeurs de la Charité of Bytown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twenty-sixth instant.

Clergymen's Returns Bill.

Ordered, That Mr. Richards have leave to bring in a Bill to substitute Yearly Returns for the Quarterly Returns required of Clergymen and others, by the sixteenth

section of the Census Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Bill to authorize liens on certain Vessels.

Ordered, That Mr. Morrison have leave to bring in a Bill to authorize liens in certain cases on Vessels navigating the Lakes of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Holmes, seconded by Mr. Smith, of Durham,

St. Lawrence and Atlantic Railroad.

Ordered, That the Standing Committee on Railroad and Telegraph Line Bills be discharged from the further consideration of the Petition of the Saint Lawrence and Atlantic Railroad Company, praying for

an amendment to their Act of Incorporation.

Ordered, That the said Petition be referred to the Standing Committee on Standing Orders.

Nuns of the Quebec General Hospital Bill.

Mr. Chauveau moved, seconded by Mr. Méthot, and the Question being proposed, That the Order of the day for the third reading of the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the

Community of the Nuns of the General Hospital of Quebec to acquire and hold additional real and personal property to a certain amount," be now read;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That the words "now read" be left out, and the words "discharged, and the Bill committed to a Committee of the whole House, for Monday next," added instead thereof.

And the Question being put on the Amendment:-- It was resolved in the Affirmative.

The main Question, so amended, being put;

Ordered, That the Order of the day for the third reading of the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Community of the

Nurs of the General Hospital of Quebec, to acquire and hold additional real and personal property to a certain amount," be discharged; and the Bill committed to a Committee of the whole House, for Monday next.

Kingston Water Works Bill.

Mr. Fergusson reported the Bill to incorporate "The City of Kingston Water Works Company;" and the amendments were read, and agreed to.

Ordered, That the Bill, as amended, be referred to the Standing Committee on Miscellaneous Private Bills.

Quebec Gas Company Bill.

Mr. Sauvageau reported the Bill to incorporate the Quebec Gas Company; and the amendments were read, and agreed to.

Ordered, That the Bill, as amended, be referred to the Standing Committee on Miscellaneous Private Bills.

St. Antoine de l'Isle aux Grues Municipality Bill.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to

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detach the Parish of St. Antoine de l'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality, being read;

On motion of Mr. Fournier, seconded by Mr. Sauvageau,

Ordered, That the said Order of the day be postponed until Monday, the twenty-sixth instant.

Building Societies Bill.

Mr. M'Farland reported the Bill to encourage the establishment of Building Societies in the District of Quebec; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Debates of the House.

The Order of the day for taking into further consideration the Question proposed on Monday last, "That the Speaker do now leave the Chair," (for the House in Committee to consider the propriety of adopting a Standing Rule fixing the time during which each Member may speak on any Question in the Debates of the House,) being read;

On motion of Mr. Armstrong, seconded by Mr. Thompson,

Ordered, That the said Order of the day be postponed until Wednesday, the twenty-first instant.

Cayuga Township Division Bill.

The Order of the day for the second reading of the Bill to divide the Township of Cayuga, in the District of Niagara, into two Townships, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Gore Bank Bill.

The Order of the day for the second reading of the Bill to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Interest of  
Money Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time, on Monday next.

Ordered, That the said Order be then the first Order of the day.

Canada Life  
Assurance  
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Canada Life Assurance Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bridge Bill of  
A. M. Delisle  
and others.

The Order of the day for the second reading of the Bill to authorize Alexandre M. Delisle and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge Bills.

Commutation  
of Tenure Bill.

The Order of the day for the second reading of the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the better to facilitate optional commutation of the tenure of land en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier," being read;

Mr. Christie moved, seconded by Mr. DeWitt, That the Bill be now read a second time.

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House that His Excellency having been informed of the purport of the Bill, gives his consent, as far as Her Majesty's interest is concerned, that the House may do therein as they shall think fit.

The Bill was then a second time; and referred to a Select Committee composed of Mr. Christie, Mr. DeWitt, Mr. Chauveau, Mr. Davignon, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Soeurs Hospi-  
talières (Mon-  
tréal) Bill.

The Order of the day for the second reading of the Bill to authorize the Religious Community of the "Soeurs Hôpitalières de St. Joseph de l'Hôtel Dieu de Montréal," to acquire and hold real and personal property to a certain amount over and above that now held by them, as well for themselves as for Poor of the Hôtel Dieu on whose behalf they administer certain property, and for other purposes therein mentioned, being read;<sup>225</sup>

MR. CHRISTIE opposed the measure, unless the House was informed of how much property was at present held by them.<sup>226</sup>

MR. CHAUVEAU thought it strange that the bill should have been allowed to progress so far without objections being urged against it.<sup>227</sup>

MR. H. BOULTON (Norfolk) would move that the order be discharged and the



bill be referred to either a special Committee or a Committee of the whole House.<sup>228</sup> ((He)) objected to their hurrying through the measure at that time.<sup>229</sup> He objected that so much money should be locked up from commercial purposes, by allowing such institutions to hold property to such a large amount as some of them did. No doubt the institution was an excellent one, but it would be much against the interest of the Canadian people themselves to allow so large an amount of property in Mortmain, over which they could have no control. He felt the difficulty of his position, in being surrounded by hon. gentlemen who might from their religious views, think differently on the subject, but they were all, as inhabitants of the country, equally interested in the passing such measures. The House ought to know how much property they at present held, and if the measure was reasonable, he would vote for it; but if it was not, he would oppose it. He had been told, even by French Canadian gentlemen, that in such measures there should be a clause that property should not be given them, except it be so given at least six months before the person's death. Such was the law in Upper Canada and it ought to apply equally to Lower Canada. Many disasters had arisen from ecclesiastics holding large amounts of property on the continent, and the same might be the case here. He hoped the bill would be allowed to go to a committee of the whole on Monday.<sup>230</sup>

MR. CAUCHON said the hon. gentleman wished to know what property the present institution possessed. If any institution were to benefit by incorporation, they ought to be those which supported or educated children; and if the sole education of such an institution was that of the people, he thought no obstacles should be thrown in the way. He would not give the power of holding property to every religious institution; but where education was the only object, he would allow these to hold property. He would ask the hon. member (Mr. Chauveau) to postpone the third reading.<sup>231</sup>

MR. AT. GEN. LAFONTAINE was astonished that any danger should be apprehended from the passing of the Bill. What would have become of the emigrants of 1847 had it not been for the ladies of such institutions? He would have no objection to the Bill going into Committee. He might state, however, that the law of Lower Canada respecting Nuns was the same as that of Upper Canada.<sup>232</sup>

((There was)) some further discussion<sup>233</sup>.

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*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*Notice being taken, that there was no Quorum:--The names of the Members present were taken down, as follow:--*

*Mr. Speaker,*

*Messieurs Attorney General Baldwin, Cartier, Chauveau, Christie, DeWitt, Solicitor General Drummond, Fournier, Hincks, Malloch, M'Farland, Méthot, Mongenais, Price, Sauvageau, Smith, of FRONTENAC, Smith, of WENTWORTH, Stevenson, and Taché.*

*And at a quarter of an hour after midnight, the House was adjourned by Mr. Speaker, without a Question first put, till to-morrow.*

APPENDIX: 8 MARCH 1849.

((NOTICE OF MOTION RE: BRIDGE OVER NIAGARA RIVER.))<sup>234</sup>

MR. MCFARLAND gave notice that on the 15th day of March instant, he would ask leave to bring in a petition to build an iron bridge at or near the Waterloo Ferry over the Niagara River, with a necessary swing to allow vessels to pass and repass, and that the order of the House limiting the time for receiving such petition be dispensed with so far as regards the same.<sup>235</sup>

FOOTNOTES: 8 March 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 12 March 1849; MONTREAL GAZETTE, 9, 12 March 1849, and BRITISH COLONIST, 16 March 1849, in identical accounts; PILOT, 12 March 1849; LA MINERVE, 12 March 1849; HAMILTON SPECTATOR, 17 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts, except that Hincks' speech is reported differently; and PILOT, 9 March 1849, BRITISH COLONIST, 16 March 1849, GLOBE, 17 March 1849, PROVINCIALIST, 19 March 1849, PACKET, 24 March 1849, BRITISH COLONIST, 27 March 1849, which acknowledged LONDON (U. C.) TIMES, 23 March 1849, as its source, and reported only part of Hincks' speech, and MacNab's question, in identical accounts, except that BRITISH COLONIST, 16 March, and GLOBE, omitted a number of speeches at the end of the debate, PROVINCIALIST reported only a few speeches identical to PILOT, and PACKET omitted a number of speeches. LE JOURNAL DE QUEBEC, 13 March 1849, noted the debate. Commentaries may be found in PILOT, 12 March 1849, PROVINCIALIST, 15 March 1849, BRITISH COLONIST, 27 March 1849, which acknowledged LONDON (U. C.) TIMES, 23 March 1849, as its source, GLOBE, 14 March 1849, and LA MINERVE, 12 March 1849. When necessary the BRITISH COLONIST is used instead of the MONTREAL GAZETTE.
2. BRITISH COLONIST, 16 March 1849.
3. PILOT, 9 March 1849.
4. BRITISH COLONIST, 16 March 1849.
5. PILOT, 9 March 1849.
6. BRITISH COLONIST, 16 March 1849.
7. PILOT, 9 March 1849.
8. HAMILTON SPECTATOR, 17 March 1849.
9. PILOT, 9 March 1849.
10. IBID.
11. IBID.
12. BRITISH COLONIST, 16 March 1849.
13. PILOT, 9 March 1849.
14. BRITISH COLONIST, 16 March 1849.
15. PILOT, 9 March 1849. The BRITISH COLONIST, 16 March 1849, refers to Tooke as Cook.
16. BRITISH COLONIST, 16 March 1849.
17. PILOT, 9 March 1849.
18. BRITISH COLONIST, 16 March 1849.
19. PILOT, 9 March 1849.
20. BRITISH COLONIST, 16 March 1849.
21. PILOT, 9 March 1849.
22. BRITISH COLONIST, 16 March 1849.
23. PILOT, 9 March 1849.
24. BRITISH COLONIST, 16 March 1849.
25. PILOT, 9 March 1849.
26. BRITISH COLONIST, 16 March 1849.
27. PILOT, 9 March 1849.
28. BRITISH COLONIST, 16 March 1849.
29. PILOT, 9 March 1849.
30. BRITISH COLONIST, 16 March 1849.
31. PILOT, 9 March 1849.
32. BRITISH COLONIST, 16 March 1849.



33. PILOT, 9 March 1849.
34. BRITISH COLONIST, 16 March 1849.
35. PILOT, 9 March 1849.
36. BRITISH COLONIST, 16 March 1849.
37. PILOT, 9 March 1849.
38. BRITISH COLONIST, 16 March 1849.
39. IBID.
40. PILOT, 9 March 1849.
41. BRITISH COLONIST, 16 March 1849.
42. PILOT, 9 March 1849.
43. BRITISH COLONIST, 16 March 1849.
44. PILOT, 9 March 1849.
45. BRITISH COLONIST, 16 March 1849.
46. PILOT, 9 March 1849.
47. BRITISH COLONIST, 16 March 1849.
48. PILOT, 9 March 1849.
49. BRITISH COLONIST, 16 March 1849.
50. PILOT, 9 March 1849.
51. BRITISH COLONIST, 16 March 1849.
52. PILOT, 9 March 1849.
53. BRITISH COLONIST, 16 March 1849.
54. PILOT, 9 March 1849.
55. BRITISH COLONIST, 16 March 1849.
56. IBID.
57. IBID.
58. PILOT, 9 March 1849.
59. IBID.
60. IBID.
61. IBID.
62. BRITISH COLONIST, 16 March 1849.
63. PILOT, 9 March 1849.
64. BRITISH COLONIST, 16 March 1849.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. PILOT, 9 March 1849. The BRITISH COLONIST, 16 March 1849, mistakenly reported that Hincks made this remark.
70. PILOT, 9 March 1849.
71. IBID. See Footnote 69.
72. PILOT, 9 March 1849.
73. BRITISH COLONIST, 16 March 1849.
74. PILOT, 9 March 1849.
75. MONTREAL GAZETTE, 12 March 1849.
76. PILOT, 9 March 1849.
77. MONTREAL GAZETTE, 12 March 1849.
78. PILOT, 9 March 1849.
79. IBID.
80. MONTREAL GAZETTE, 12 March 1849.
81. PILOT, 9 March 1849.
82. MONTREAL GAZETTE, 12 March 1849.

83. PILOT, 9 March 1849.
84. MONTREAL GAZETTE, 12 March 1849.
85. PILOT, 9 March 1849.
86. IBID.
87. MONTREAL GAZETTE, 12 March 1849.
88. IBID.
89. IBID.
90. PILOT, 9 March 1849.
91. MONTREAL GAZETTE, 12 March 1849.
92. PILOT, 9 March 1849.
93. MONTREAL GAZETTE, 12 March 1849.
94. PILOT, 9 March 1849.
95. MONTREAL GAZETTE, 12 March 1849.
96. PILOT, 9 March 1849.
97. MONTREAL GAZETTE, 12 March 1849.
98. PILOT, 9 March 1849.
99. MONTREAL GAZETTE, 12 March 1849.
100. IBID.
101. IBID.
102. PILOT, 9 March 1849.
103. MONTREAL GAZETTE, 12 March 1849.
104. PILOT, 9 March 1849.
105. MONTREAL GAZETTE, 12 March 1849.
106. PILOT, 9 March 1849.
107. MONTREAL GAZETTE, 12 March 1849.
108. PILOT, 9 March 1849.
109. MONTREAL GAZETTE, 12 March 1849.
110. PILOT, 9 March 1849.
111. MONTREAL GAZETTE, 12 March 1849.
112. PILOT, 9 March 1849.
113. MONTREAL GAZETTE, 12 March 1849.
114. PILOT, 9 March 1849.
115. MONTREAL GAZETTE, 12 March 1849.
116. IBID.
117. IBID.
118. PILOT, 9 March 1849.
119. MONTREAL GAZETTE, 12 March 1849.
120. PILOT, 9 March 1849.
121. MONTREAL GAZETTE, 12 March 1849.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. PILOT, 9 March 1849.
127. MONTREAL GAZETTE, 12 March 1849.
128. IBID.
129. PILOT, 9 March 1849.
130. MONTREAL GAZETTE, 12 March 1849.
131. PILOT, 9 March 1849.
132. MONTREAL GAZETTE, 12 March 1849.
133. PILOT, 9 March 1849.

134. MONTREAL GAZETTE, 12 March 1849.
135. PILOT, 9 March 1849.
136. MONTREAL GAZETTE, 12 March 1849.
137. PILOT, 9 March 1849.
138. MONTREAL GAZETTE, 12 March 1849.
139. PILOT, 9 March 1849.
140. IBID.
141. IBID.
142. MONTREAL GAZETTE, 12 March 1849.
143. PILOT, 9 March 1849.
144. MONTREAL GAZETTE, 12 March 1849.
145. PILOT, 9 March 1849.
146. MONTREAL GAZETTE, 12 March 1849.
147. IBID.
148. PILOT, 9 March 1849.
149. MONTREAL GAZETTE, 12 March 1849.
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167. MONTREAL GAZETTE, 12 March 1849.
168. IBID.
169. PILOT, 9 March 1849.
170. MONTREAL GAZETTE, 12 March 1849.
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172. MONTREAL GAZETTE, 12 March 1849.
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174. MONTREAL GAZETTE, 12 March 1849.
175. IBID.
176. IBID.
177. PILOT, 9 March 1849.
178. MONTREAL GAZETTE, 12 March 1849.
179. PILOT, 9 March 1849.
180. IBID.
181. MONTREAL GAZETTE, 12 March 1849.
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185. MONTREAL GAZETTE, 12 March 1849.
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201. MONTREAL GAZETTE, 12 March 1849.
202. PILOT, 9 March 1849.
203. IBID.
204. MONTREAL GAZETTE, 12 March 1849.
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206. MONTREAL GAZETTE, 12 March 1849.
207. PILOT, 9 March 1849.
208. MONTREAL GAZETTE, 12 March 1849.
209. IBID.
210. PILOT, 9 March 1849.
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212. IBID.
213. IBID.
214. IBID.
215. MONTREAL GAZETTE, 12 March 1849.
216. IBID.
217. IBID.
218. PILOT, 9 March 1849.
219. MONTREAL GAZETTE, 12 March 1849.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. IBID.
225. The debate on this matter was reported by: MONTREAL GAZETTE, 12 March 1849; LA MINERVE, 12 March 1849; PILOT, 9 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts; and LA MINERVE, 12 March 1849, and LE JOURNAL DE QUEBEC, 15 March 1849, in identical accounts. The PROVINCIALIST is used instead of the difficult to read PILOT.
226. PROVINCIALIST, 19 March 1849.
227. IBID.
228. IBID.
229. MONTREAL GAZETTE, 12 March 1849.
230. PROVINCIALIST, 19 March 1849.
231. IBID.
232. IBID.

- 233. IBID.
- 234. This matter was reported by: PILOT, 9 March 1849, and PROVINCIALIST, 19 March 1849, in identical accounts. The PROVINCIALIST will be used instead of the difficult to read PILOT.
- 235. PROVINCIALIST, 19 March 1849.

(141)

Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. Lemieux,--The Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Commissioners' Courts); the Petition of the Reverend J.D. Déziel, President, and Charles Bourget, Secretary, on behalf of a public meeting held at Pointe Levy; the Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (tenure of Land); the Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Parish Councils); the Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Registry Laws); the Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Inspection of Highways); the Petition of Joseph Vachon, Esquire and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Education); the Petition of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce (Roads); and the Petition of Joseph Vachon, Esquire, and others of that part of the County of Dorchester formerly constituting the County of Beauce (increased Representation).

By the Honorable Mr. Robinson,--The Petition of the Honorable P. M'Gill and others, Trustees of the Huron Mining Company.

(142)

By the Honorable Mr. Sherwood,--The Petition of the Council of the Toronto Board of Trade (Assessment).

By Mr. Christie,--The Petition of John LeBoutillier, Esquire, and others, of the County of Gaspé.

By the Honorable Mr. Cameron, of Kent,--The Petition of Archibald Young, Chairman, and Alexander M'Intosh, Secretary, on behalf of the Port Sarnia Temperance Society.

By the Honorable Mr. Macdonald,--The Petition of the President, Directors, and Company of the Commercial Bank of the Midland District.

By the Honorable Mr. Merritt,--The Petition of Henry Groves and others, Officers, and Members of Fire Companies in the Province of Canada.

By Mr. Duchesnay,--The Petition of Messieurs Lovell and Gibson, Contractors for the Sessional Printing of the Legislative Assembly.

By Mr. Dumas,--The Petition of the City Bank.

By Mr. Fournier,--The Petition of Eucher Dion, Esquire, and others, of the Parish of St. Thomas and the Village of Montmagny, County of L'Islet.

By Mr. M'Farland,--The Petition of the Honorable William Hamilton Merritt and others.

By Mr. Holmes,--The Petition of John Perrigo and others, the Officers and Members of Fire Companies in Canada.

By Mr. DeWitt,--The Petition of Thomas Fee and others, of the County of Beauharnois.

By Mr. Thompson,--The Petition of David Thompson, Esquire, Stockholder and Director of the Gore Bank, on behalf thereof.

By the Honorable Mr. Cayley,--The Petition of Joseph Wenham, Esquire, Manager of the Bank of Upper Canada, at Montreal.<sup>1</sup>



Petitions ... from Commercial, Gore, and Upper Banada (sic) Banks ((were)) against the proposed issue of Debentures by the Government, and praying to be heard, by Counsel at the Bar, against the said measure.<sup>2</sup>

MR. INSP. GEN. HINCKS objected to the petitions being received as they were not what they purported to be, they were got up and signed by individuals in Montreal, and the seals attached to them were not, he believed, the seals of the Corporation....

Mr. Hincks' remark applied only to the petition presented by Mr. McDonald, as neither of the others bore any seal--they were merely the petitions of individuals on behalf of the Banks.<sup>3</sup>

MR. J.A. MACDONALD thought the hon. member had no right to make such assertions on subjects of which he knew nothing, he had received the petition from the Vice President and Agent of the Bank of Montreal, and took it for granted it was all right.<sup>4</sup>

MR. AT. GEN. BALDWIN thought the hon. member ought to have seen that the petition was what it pretended to be before he presented it. The hon. member for Oxford had a perfect right to express his opinion on the genuineness of the seal, and even the hon. member for Kingston did not seem to be at all sure that it was the seal.<sup>5</sup>

MR. INSP. GEN. HINCKS said the hon. member was Solicitor for the Corporation and ought to know its seal, the seal of the Corporation was in the building and he had taken means to obtain it.<sup>6</sup>

MR. H. BOULTON had compared the seal of the Corporation with that on the petition and he found it was not the same. He did not wish to pronounce an opinion on the petition; but he wished to warn persons that if they committed a fraud on the House, such as that suspected, they would be guilty of a gross breach of the privileges of the House and be liable to heavy punishment.<sup>7</sup>

MR. H. SHERWOOD denied that any fraud had been intended, the petition was signed on behalf of the corporations by these gentlemen, because they feared that the measure would be pressed through the House before they would have time to get petitions regularly drawn up and, sent down from Upper Canada and after they had probably communicated by telegraph with the corporations. If the measure was delayed for a few days, petitions would come down bearing the seal of the corporations.<sup>8</sup>

MR. THOMPSON, who presented the Petition of the Gore Bank, said<sup>9</sup> he had communicated by telegraph with the Directors of the Gore Bank and had been instructed by them to present the petition on their behalf.<sup>10</sup> He was a Stockholder in the Bank, and he would alter the Petition so as to make it a Petition from himself as a Stockholder.<sup>11</sup>

MR. MORIN, the Speaker, decided that the petition could be brought up if the hon. member would alter it, so as to be the petition of David Thompson on behalf of the Gore Bank, with regard to the petition from the Commercial Bank of the Midland District, it could be brought up and it would be for the House to decide on its validity on the question for receiving it.<sup>12</sup>

(142)

Building So-  
cieties Bill.

*An engrossed Bill to encourage the establishment of Building Societies in the District of Quebec, was*

read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to encourage the establishment of Building Societies in Lower Canada."

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Quebec Literary and Historical Society Bill.

An engrossed Bill to amend the Charter of the Literary and Historical Society of Quebec, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chabot do carry the Bill to the Legislative Council, and desire their concurrence.

Hastings Registration of Titles Bill.

An engrossed Bill to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings."

Ordered, That Mr. Flint do carry the Bill to the Legislative Council, and desire their concurrence.

MR. AT. GEN. LAFONTAINE<sup>13</sup> moved that the Bill for the payment of the Lower Canada Rebellion Losses should be read a third time.<sup>14</sup>

MR. ROBINSON opposed the motion for the third reading<sup>15</sup>, there existed a good deal of excitement in the country on the Bill that was now about to pass. Hon. Gentlemen on his side of the House had been accused of misrepresentation. He (Mr. R.) was content to refer to the Journals for the part he had taken, to satisfy his constituents, and to his votes on the Bill itself, and the several amendments, proposed by himself and others, to it. He objected to the Bill on two grounds:--First on account of the description of persons he believed it was intended to pay, and secondly<sup>16</sup>, because the manner of paying the claims appeared to him to be an injustice to Upper Canada.<sup>17</sup> It had been stated that they did not intend to pay those implicated in the rebellion. What had been stated in the House yesterday with reference to rebels having been paid in Upper Canada, on the recommendation of Commissioners, was not the act of the House, and no excuse whatever for continuing to pay such persons.<sup>18</sup> He could scarcely suppose that such an argument could have any effect on hon. gentlemen. It was a reality as much as to say, that because the Commissioners in Upper Canada had acted wrongfully in the payment of unjust claims, it would be a sufficient reason for the existing Government to act in a similar manner. A great deal of importance seemed to be attached to the amendment of hon. member for Norfolk, but in his opinion, the amendment instead of rendering the bill less objectionable, rendered it still more so, as it completely prevented the commissioners from rejecting the claims of any man, excepting the particular classes it referred to<sup>19</sup>, those who had been convicted and sent to Bermuda. He thought that the amendment of the hon. member for Norfolk made the Bill still more objectionable; it took away all power out

of the hands of the Commissioners, who, if they were just and honourable men, as he trusted they would be,<sup>20</sup> would have been able to exercise their judgment to the exclusion of the claims of people who had been engaged in rebellion.<sup>21</sup> Under the present Bill, if it were passed as it stood, any man who had been the notorious rebel, and who had not been convicted or sent to Bermuda, might come boldly forward, and defy the Commissioners to reject his claim. And now as to the fund from which the Government proposed to pay the losses.<sup>22</sup> He thought it was an act of the utmost injustice to the people of Upper Canada to pay these claims out of the Provincial funds.<sup>23</sup> They proposed to take £100,000 from the Consolidated Revenue of the Province for that purpose; he thought that it would be difficult for hon. members from Upper Canada to justify that to their constituents. He did not wish to keep up differences between the two Provinces, but he thought it was natural that Upper Canadians should ask to be placed not on a worse footing than Lower Canadians. He, therefore, called upon the hon. Inspector General to introduce a short bill to repeal so much of the act as (he thought it was the 8 Vic.,) gave the Tavern License Fund for District purposes, and apply it to the payment of the losses in Lower Canada until they were fully paid. If this bill passes, Lower Canada will receive £100,000 now, in addition to about £40,000 which was paid immediately after the rebellion, and before one shilling of the most pressing demand in Upper Canada had been paid--making in all £140,000 from the Revenue of the Province,--while Upper Canada had received only £43,000 from a tax on one class of individuals--the Innkeepers. Upper Canada pays £11,211 for Tavern Licenses, at from £3 to £10 each; while Lower Canada only pays £6,028, at £4 for each License. He thought that it would be difficult for him to convince his constituents in the County of Simcoe, that<sup>24</sup> a poor log tavern<sup>25</sup>, for a License, in the poorest part of the District, should pay £3--while Donegana's Hotel, in Montreal, paid no more than £4 to the District Fund. It was quite competent for the present Government to raise the cost of the licenses in Lower Canada if necessary. Another subject he would mention, the Tavern Licenses Fund has for some years been applied in Lower Canada to District purposes as in Upper Canada.--Yet he would state to the House, and the members from Upper Canada more particularly, that all repairs to Gaols and Court Houses in Lower Canada, were still paid from the direct revenue of the country.--Was this just?--(Hear, hear.) In the District of Sherbrooke which contains 64,000 inhabitants, upwards of £800 was paid last year for repairs to the Gaol and Court House, and more than £2,000 is now appropriated for similar purposes in Montreal, and was not expended because the sum was too small to make such additions to the Gaol as the Sheriff had reported necessary; and, he supposed, we should see the hon. Inspector General coming down to the House and asking for a further grant from the consolidated revenue to make up the deficiency.--(Hear, hear.) Since the Union £6,720 had been paid from the Provincial Funds for repairs to Gaols and Court Houses in Lower Canada. This was most unjust towards Upper Canada, and he called on the present Government again, as they alone had the power, to bring in a bill to remedy this injustice. He (Mr. R.) could not bring in any such bill--if he attempted it, it would only be called "Bunkum" and done for effect. He would illustrate the injustice by his own county of Simcoe, it contained 23,000 inhabitants, and had expended for its public buildings £8,000, which was an expense of 7s. per head to the inhabitants. The District of Montreal contained



nearly 400,000 inhabitants; yet draws on the Revenue of the Province for payment of such repairs as in Simcoe they do themselves. It was monstrous for a new District like Simcoe to tax itself 7s. per head, while in the District of Montreal, a tax to raise £15,000--which is what they require to rebuild their Court House and make additions to the Gaol--would only amount to 9d. per head. And the inhabitants of the District of Montreal were far better situated, and had a better market for disposing of their produce. The City of Montreal alone contained more than twice the population of Simcoe. He must express his surprise at the hon. Inspector General, who, in an ably written memorandum on emigration, and the affairs of the Province, and dated 20th December last, states that the consolidated fund of the Province would not bear any further charge and he (Mr. R.) was willing to give the hon. gentleman credit for the document referred to, as it showed that he was giving his time and attention to the interests of the country, coming down to the House in the manner he did at present, and asking them to charge the sum of £100,000 to that fund. Mr. R. here read the following extracts from the memorandum:--

"I have already stated the reasons which compel the Provincial Government to decline placing any fresh charge on the Consolidated Revenue Fund.

"A large debt having been incurred for the construction of these (the public) works, a portion of which has been guaranteed by the Imperial Parliament, it is not deemed prudent to place any considerable charge on the Consolidated Revenue Fund at present."

Now, he (Mr. R.) could not imagine what very favorable change to the circumstances of the Province had taken place between the 20th Dec. last and the 9th March to warrant the hon. Inspector General in now doing what he then declared to be unadvisable, if not impossible. He (Mr. R.) would no doubt be accused of denying his fellow subjects in Lower Canada that justice which had been already extended to the inhabitants of Upper Canada. But such was not the case, he merely desired that they should be placed on equal terms; and he again warned the members of the Government that, if they did not change the law as he suggested, they could not expect the Union of the Provinces to produce the good effects which had been anticipated from it.<sup>26</sup>

COL. GUGY said, that in the debate yesterday the hon. Inspector General had alluded to him in a manner calculated to prejudice him in the eyes of the public; he had adverted to the case of Capt. Scott, of Two Mountains, and made a statement which was not only received with cheers, but clapping of hands, and manifest exultation--he regretted to be under the necessity of stating that the Inspector General had made an unfounded statement. The first observation that the Inspector General made, was that opposite to the name of Capt. Scott of the battalion of Two Mountains. There were these words in his (Col. Guky's) hand writing: "a rebel, dismissed", it was necessary he (Col. Guky) should deny the charge, the words were not in his hand writing. Capt. Scott was a rebel, and was discharged--<sup>27</sup>.

MR. W. SCOTT, (Two Mountains) with great emphasis, it's false--I say it's false. I rise to order, has that man any right to call me a rebel?<sup>28</sup>

Sensation, and loud cries of order and chair.<sup>29</sup>

MR. MORIN, the Speaker, said the hon. member for Sherbrooke was certainly not in order; but neither was the other hon. member.<sup>30</sup>

MR. W. SCOTT--he would not dare to say it out of the House. (Order, order.)<sup>31</sup>

COL. GUGY had not said Capt. Scott was a rebel.<sup>32</sup>

MR. W. SCOTT.--I say you did.<sup>33</sup>

COL. GUGY.--He had adverted to the entry on the Militia book referred to by the Inspector General that evening, and had said it was untrue it was in his (Col. G.'s) hand writing, although it was written that Captain Scott was a rebel and dismissed and the hon. member for Two Mountains had been pleased to rise in his place and say it was false.<sup>34</sup>

MR. W. SCOTT.--I repeat it.<sup>35</sup>

COL. GUGY.--He (Col. Gagy) was now speaking of a Captain Scott of the Militia, whose conduct and case had been brought under the notice of the House with a view to inculcate him (Col. G.) and he flattered himself that he was not easily moved by remarks such as had fallen from the hon. member for Two Mountains. The words he had quoted were in the entry in the hand writing of the father-in-law of the present Civil Secretary, Major Campbell, the father of the honorable member for Portneuf, by Col. Duchesnay, then Adjutant-General, and not in his (Col. G.'s), it was done before his time and he was not at all responsible for it. The second charge made against him was of a nature implying great weakness if not baseness, and it was one of which he was not at all guilty. The Inspector General stated that after Mr. Scott had been dismissed, that certain political influences had been brought to bear, and a loyal volunteer who had been out in 1812 and 1837 was got rid of, and Captain Scott got his Majority, it was true that that was an act of great meanness on the part of the authorities who made that gentleman yield to Captain Scott, but these were events which took place after he (Col. G.) had left the office of Adjutant General, and he was not guilty of what appeared to him to be great meanness. The hon. member then proceeded to quote from documents which he produced in support of what he had stated, and in the course of his remarks again alluded to Captain Scott as having been a rebel.<sup>36</sup>

MR. W. SCOTT rose to know distinctly whether the hon. member intended to apply the word rebel to him?<sup>37</sup>

MR. MORIN, the Speaker, called the hon. member to order. He thought the hon. member for Sherbrooke was decidedly out of order in the use of the word rebel.<sup>38</sup>

COL. GUGY had not applied the word rebel to the hon. member, as, after the interruption to which he had been subjected he had been particularly on his guard. He had said that the reason assigned for Captain Scott's dismissal was, that he had been a rebel.<sup>39</sup>

MR. W. SCOTT.--The hon. member would not dare to say that in any other place.<sup>40</sup>

COL. GUGY.--The hon. member said that he (Col. Gagy) would not dare to

say it, in any other place. He (Col. Guky) knew the responsibilities of a gentleman; and if, as a gentleman, he was invited by a gentleman to take a quiet walk into the country, he should--<sup>41</sup>

MR. MORIN, the Speaker, called the hon. member to order.<sup>42</sup>

MR. W. SCOTT.--If you will not prevent that individual--I will not say gentleman--from insulting me--<sup>43</sup>

MR. MORIN, the Speaker, again called the hon. member to order.<sup>44</sup>

COL. GUGY, after some further remarks, in relation to militia appointments, proceeded to denounce the measure as being calculated to lead to a dissolution of the connection with the Mother Country. In the course of his concluding observations Col. Guky asserted that Mr. Hincks had stated in the former debate, that rebellion was justifiable against unconstitutional Government.<sup>45</sup>

MR. INSP. GEN. HINCKS denied that he had made use of such expressions.<sup>46</sup>

MR. W. BOULTON of Toronto.--It is so reported in his own paper the Pilot.<sup>47</sup>

MR. INSP. GEN. HINCKS said it was not his paper, he had nothing to do with it, and was not answerable for anything in it. It was unparliamentary for an hon. member to go on implying words to another, after he had distinctly denied having used them.<sup>48</sup>

COL. GUGY then continued his remarks in opposition to the third reading.<sup>49</sup>

MR. INSP. GEN. HINCKS said that as the hon. member for Sherbrooke's remarks had related to him, he felt bound to say a few words and his remarks would be very brief. When he (Mr. H.) had made the remarks last night just referred to, he had particularly called the attention of the hon. member for Sherbrooke and had told him that he had received such and such information and that if it was incorrect in any particular perhaps, the hon. and learned member would set him right on the moment. With regard to the argument he had used that evening he had stated first that opposite to the name of a certain gentleman--Capt. Scott of the County of Two Mountains, Battalion of Militia--were the words "dismissed rebel."<sup>50</sup>

COL. GUGY, you said in my own hand writing.<sup>51</sup>

MR. W. SCOTT.--So it was.<sup>52</sup>

MR. INSP. GEN. HINCKS stated that it was in the handwriting of the hon. member for Sherbrooke who was at the head of the department, when the words were first seen in the book's, he (Mr. H.) had supposed from information he had received that it was in the hand-writing of the hon. member, and he had asked the hon. member to correct him if he was wrong. Why then had not he got up at the time and denied that it was in his hand-writing. He had not done so, but came down to the House today, to do so. The hon. gentleman opposite had been imputing to the hon. members around him, that they were desirous of making the Militia appointments subservient to political purposes, and he (Mr. H.) had endeavoured to prove that they had themselves been guilty of doing the same thing, and the hon. member for Sherbrooke, had



borne out by his remarks all that he (Mr. H.) had said; he had managed to get himself out of the scrape, but he had not cleared the gentleman opposite, but on the contrary he had proved by what he had read and said the truth of what he (Mr. H.) had stated viz.: that they had made appointments to the Militia for political purposes. This was the explanation he had to make, he did not desire in any way to misrepresent the hon. member for Sherbrooke, but the hon. member had not corrected him at the time. He (Mr. H.) had not expected that there would have been any further reference to what passed in a former debate in which he had certainly been greatly misrepresented by the hon. gentlemen opposite. The hon. member for Toronto who spoke first in the debate on the Rebellion Losses launched into a tremendous attack on all persons engaged in the Rebellion. He (Mr. H.) had deprecated allusions to the past transactions, and said that hon. member must recollect, there had been a great deal of provocation given to the rebels, but he had never said they were justified, between which there was a great difference, he had explained this, when hon. members first charged him with having justified rebellion, and he had not expected they would have persevered in imputing to him their expressions. The hon. members referred to his having been so reported in a particular paper, but honble members must recollect that all the Reporters were not of the same politics, and that he was often reported by persons opposed to him in politics, and hon. gentlemen opposite were reported by persons opposed to them. He did not mean to impute anything unfair to the Reporters, but he said it was merely to show that the paper alluded to, was no better authority than any other. It was only in today's paper that he had been grossly misrepresented<sup>53</sup>.

MR. H. SHERWOOD, so was I<sup>54</sup>.

MR. INSP. GEN. HINCKS had been made to say that Gen. Duncombe received indemnification, although he had never said anything of the kind, he had said that a person who had served under Gen. Duncombe for whose arrest a reward of £500 had been offered had made a claim and received compensation.<sup>55</sup>

MR. W. SCOTT said he could not avoid making some observations on the manner in which the honble gentleman had attacked him personally during the course of the debate on this bill; his manner throughout showed clearly that there was some previous cause of provocation. He was afraid of trespassing on the patience of the House, but yet he would trace the course of the animosity which the hon. member for Sherbrooke bore against him. The honorable gentleman then went on to say that he first became acquainted with Col. Gagy in Quebec, where he became intimate with the hon. gentleman and frequently met him at table. He would state that when first invited to dine with the hon. gentleman, he had bewailed his sad lot, in not being able to receive him in the style, that he had once been able to support--that his practice was almost gone and that he was all but ruined by the prosecution of Judge Carr. He (Mr. Scott) was in consequence prevented from accepting the invitation, for fear that he would "take the bit" out of the children's mouths. He went however, and he to his astonishment found everything prepared in the most sumptuous and luxurious manner. From that moment he felt convinced that he had to deal with a hypocrite, and when the hon. gentleman afterwards proposed that if he (Mr. Scott) would vote with Col. Gagy in condemnation of Judge Carr, the compliment would be reciprocated by voting with him, (Mr. Scott). He at once perceived the character

of the man he had to deal with. However he did not accept the terms of the hon. gentleman, who never ceased prosecuting Judge Carr, who was a most excellent Judge, and had only one fault--a rather hasty temper until he succeeded in obtaining his dismissal. Taking advantage of that foible, he took his notes year after year, with the most unrelenting animosity, until he finally succeeded in getting Judge Carr brought before a Committee of the house, of which he was a member, and he had often been seen alone in the committee room, by him (Mr. Scott,) taking the depositions of evidence. He was then a reformer; but immediately after he had obtained his object, he changed sides, and became the man that he had remained ever since, and from that time bore him (Mr. Scott) a personal grudge, which he had attempted to satisfy on every possible occasion. With reference to the words "dismissed rebel", which he said was in the hand writing of Colonel Duchesnay, opposite his name.<sup>56</sup>

COL. GUGY had said so decidedly.<sup>57</sup>

MR. DUCHESNAY said that the statement was false--he repeated it distinctly, the statement was false.<sup>58</sup>

MR. W. SCOTT ((continued:))--He was perfectly well acquainted with the handwriting of Col. Duchesnay and with that of the hon. member, and if he were called upon to take his oath before his God, he would declare that the words were in the hand writing of the hon. member for Sherbrooke, and he was informed besides, by Colonel Duchesnay's son near him, that so far from his father having been able to write the words, he was dead previous to their being written.<sup>59</sup>

MR. H. SHERWOOD wished to say, that with regard to the statement made by the hon. Inspector General yesterday, that the hon. member for Two Mountains received his commission under the late administration, he had to repeat his previous statement, that when he was in the administration, militia appointments were never considered as political questions. The statement of the hon. member, apparently, was to fix on him and his hon. friends the fact of trading in militia appointments; but he would state again, that the lists for promotion were never laid before the cabinet, and they never were called on to advise respecting such appointments while he was in office.<sup>60</sup>

MR. INSP. GEN. HINCKS.--Nor are we.<sup>61</sup>

MR. H. SHERWOOD continued--Although he denied that the late Ministry had considered those appointments as political questions, he did not mean to say that none of his friends had gone to the Adjutant Gen.'s office on militia business. He had done so himself, on business connected with his own regiment, but he had never interfered in the appointments to other regiments, or as a cabinet Councillor, and if any of his hon. friends had acted in such a manner, he did not hold himself responsible for them. In reply to another part of the hon. gentleman's discourse last night, charging him with making an attack on certain parties as rebels, he denied that he had made an attack on any person whatever. What he said, was, that he would make any sacrifice in the world rather than consent to the payment of the claims of any persons who had aided or assisted in the rebellion. He repeated that he had made no personal attack on any person whatever,

and even when he alluded to any person by name, it was merely for the purpose of elucidating facts, but never for the purpose of giving personal offence. He merely laid down a broad principle, to which he was determined to adhere.<sup>62</sup>

(142)

Indemnification  
Bill (L.C.)

An engrossed Bill to provide for the Indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in 1837 and 1838, was

read the third time.

The Honorable Mr. Sherwood moved, seconded by Mr. Smith, of Frontenac, and the Question being put, That the following engrossed Clause (A.) be added to the Bill, by way of Rider:--

Clause (A.) "And be it enacted, that the said Commissioners shall, from time to time, at their discretion, or as often as they shall be thereunto required, and as soon as possible after the determination of their examination and proceedings by virtue of this Act, and without any further requisition, furnish an account of their proceedings in writing to the Governor General; and that a copy of such proceedings may be laid before the Legislature of this Province at the then next ensuing Session of Parliament, and that no Debentures be issued under this Act until the said account of the proceedings of the said Commissioners be laid before the Legislature as aforesaid, for at least thirty days after its meeting, and before called upon."

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Meyers, Robinson, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, and Stevenson.--(17.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, and Viger.--(47.)

So it passed in the Negative.

The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being put, That the Bill do pass, and the Title be, "An Act to provide for the Indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight;"

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier,



Cauchon, Chabot, Chauveau, Davigon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fourquin, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Lemieux, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, and Viger.--(47.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Cayley, Christie, Crysler, GAY, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Meyers, Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, and Stevenson.--(18.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the day, the following Petitions were read:--

Of George P. Ridout, Esquire, President of the Board of Trade of the City of Toronto, on behalf of the Council of the said Board; praying for the insertion of a provision in the Bill relating to the Interest on Money, to restrict the rate chargeable by Banks to seven per cent per annum.

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Of John Curtain and others, Stevedores at the Port of Quebec; praying for certain amendments to the Bill to regulate the trade of Stevedore at that Port.

Of the Reverend T. Cholette and others, of the Parish of St. Polycarpe, County of Vaudreuil; praying for the passing of an Act to prohibit the employing or sailing of Vessels on Sundays and Fêtes d'Obligation.

Of W. Kingsmill, Esquire, Chairman, and Samuel Wood, Secretary, on behalf of a public meeting of the Inhabitants of the District of Niagara; praying that indemnification for Rebellion Losses in Lower Canada be not granted, but upon certain conditions therein set forth.

Of William James and others, of the Village of Thorold; taking notice of the Upper Canada Municipal Corporation Bill,--the Upper Canada Assessment Bill,--and the Bill for the removal of the Niagara District Town to Port Robinson; and praying that the same may not become law as they now stand.

Petition of G. D. Watson; Ordered, That the Petition of George D. Watson, on behalf of the Board of Management of the Merchant's Exchange and Reading Room Association of Montreal, be referred to the Standing Committee on Standing Orders.

W. Simpson and A. R. Ward; Resolved, That the Petition of William Simpson and Abel R. Ward, of the Village of Smith's Falls, be referred to a Select Committee composed of Mr. Richards, Mr. Smith, of Durham, Mr. Bell, Mr. Flint, and Mr. Morrison, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of F. Dupin and others, referred. Ordered, That the Petition of François Dupin and others, of the Parish of St. François du Lac, be referred to the Select Committee to which was

referred the Petition of Pierre Cartier and others, of St. François du Lac St. Pierre.

Ordered, That Mr. Solicitor General Drummond and Mr. Cartier be added to the said Committee.

Petition of  
P.M. Bardy  
and others,  
committed.

Ordered, That the Petition of P.M. Bardy, Esquire, and others, of the City of Quebec, be referred to the Committee of the whole House on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof.

Message from  
His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Observatory.

ELGIN AND KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, copies of communications from the Secretary of State and the Royal Engineer Department, on the subject of erecting an Observatory at the Port of Quebec.

Government House,

Montreal, 9th March, 1849.

Schedule.

1. Despatch from Earl Grey to the Earl of Elgin, 26th March, 1847.--States that the erection of an Observatory at Quebec has been recommended for the purpose of communicating time accurately to the Shipping.--Considers that the expenses ought to be provided for by the Provincial Legislature.

2. Letter from Colonel Holloway, R.E., to Major Campbell, 8th November, 1847.--Transmitting Estimates and Plans.

3. Letter from ditto to ditto, 1st June, 1848.--Requesting to be informed of the decision of the Provincial Government.

4. Despatch from Earl Grey to the Earl of Elgin, 3rd August, 1848.--Instruments for the proposed Observatory will be furnished by Her Majesty's Government.

Appendix  
(M.M.M.)

For the Documents accompanying the said Message, see Appendix (M.M.M.)

Ordered, That the said Message, with the accompanying Documents, be printed for the use of the Members of this House.

Joseph  
Donegani.

Ordered, That the Return to an Address from the Legislative Assembly to His Excellency the Governor General, for any documents in the possession of the Government relating to the case of Mr. Joseph Donegani, of the City of Montreal, laid before this House, on the twenty-second ultimo, be printed for the use of the Members of this House.

L'Association  
St. Jean Bap-  
tiste de Mon-  
treál Bill.

*Ordered, That Mr. Cartier have leave to bring in a Bill to incorporate L'Association Saint Jean Baptiste de Montreal.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday, the fourteenth instant.

Quebec Trinity  
House Bill.

*Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday, the twentieth instant.

Savings Banks  
Bill.

*Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to amend the Laws relating to Savings Banks.*

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

The order of the day<sup>63</sup> for the house to go into Committee of the whole on the Resolutions proposed by the Inspector General relative to the re-organization of the Public Debt ... ((was)) read.<sup>64</sup>

MR. INSP. GEN. HINCKS said that in proposing the resolution he was about to offer the House, he desired particularly to state--because the hon. member for Toronto had remarked that the Government desired to press their measures with needless haste--and as he knew there was one branch of the Resolutions to which it appeared there was some opposition on the part of the Chartered Banks of the Province--he desired to state that if the House would allow this motion to pass without opposition, and let the House go into committee of the whole, he was not desirous to press forward the Resolution objected to. He should give the House time to decide whether they would grant the petition of the Bank to be heard by counsel at the Bar. If the House decided not to grant the petition, there could be no reason for delaying the Resolution for any time. There were several of these resolutions to which he anticipated no serious opposition; the House might proceed with them and then rise, report progress and ask leave to sit again.<sup>65</sup>

(143)

Public Debt.

*The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Merritt, That this House do now resolve itself into a Committee on that part of the Speech of His Excellency the Governor General, at the opening of the present Session, which relates to giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, the creation of an efficient Sinking Fund, and the alienation of works of a purely local character; and also, to certain matters connected with the said Public Debt, and the keeping of the Public Accounts;*

*The Honorable Mr. Hincks, a Member of the Executive Council, by command*



*of His Excellency the Governor General, acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.*

COL. GUGY would like to know whether going into Committee would not preclude them from giving the Banks a favorable hearing, because, if they discussed the measure, the minds of members would probably be made up before they heard the Counsel for the Banks. Would it not be adjudicating before hearing?<sup>66</sup>

MR. INSP. GEN. HINCKS.--The petitioners could just as well be heard before the Committee as before the House.<sup>67</sup>

Some discussion then took place as to at what stage of the proceedings Counsel should be heard.<sup>68</sup>

MR. AT. GEN. BALDWIN said it would be desirable that the house go into Committee, and to allow the views of the Ministry to be explained, in order that the Counsel might have an opportunity of discussing them.<sup>69</sup>

MR. H. SHERWOOD thought it would be better that the Counsel of the Banks be informed when the Government intended to explain the measure, in order that they might be present and hear them, and be able to answer them if they thought proper.<sup>70</sup>

MR. INSP. GEN. HINCKS said it was of great importance that the measure should be got through with as soon as possible. There was some prospect of their getting some debentures sold, and the Government had no authority to issue a single one. He had no desire to force the measure through without allowing the banks to be heard by counsel if they wished, but he thought that they should not allow the public interest to suffer from a fear of interfering with the interest of the banks. He would not press the Resolution which they objected to, or any other Resolutions for the postponing of which any reason could be assigned; but he should like those Resolutions, to which there probably were no objections, should be got through with.<sup>71</sup>

MR. CAYLEY trusted that as soon as the Government had explained its views, that they would allow the Committee to rise, as it was impossible for to argue one Resolution without arguing the whole, and they might, therefore, have made up their minds before that the counsel for the banks was heard.<sup>72</sup>

MR. THOMPSON ... ((also)) urged the postponement of the measure<sup>73</sup>.

The motion was then put and carried<sup>74</sup>.

(143)

*Resolved, That this House do now resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Morrison took the Chair of the Committee;*

MR. INSP. GEN. HINCKS said he should endeavour to confine himself strictly to the resolutions he had to propose. The first resolution was as follows. (The hon. member here read the resolution....) The whole object of this resolution was to vest a power in the government which he

thought it was very desirable should be placed in their hands at all times. A large portion of the debts of the province would become payable in 1854-5, and it was now 1849, so that the time was rapidly approaching when the debt would be payable, and it was of course desirable that the government should be armed with power beforehand, to endeavour to negotiate loans as opportunity might offer, and either invest them by purchasing up their debentures, or in any other way that might appear advisable. To illustrate the object of the resolution, he might observe that last year, certain debentures issued by the Commissioners of the Chambly canal, for £15,000 became payable, and the government were obliged, notwithstanding the unfavourable period, and the difficulty of carrying on the public business, to redeem no less than £15,000 of the public debt; he mentioned this, because, although the money had to be paid, government had no authority under the law as it stands at present, to issue new debentures, as if they had been able to negotiate (sic) the £15,000, in debentures payable in 20 years. The object of the resolution was, without giving the government power to increase the debt, to give them the power to change it by issuing new debentures to redeem those outstanding. The hon. member then read the second resolution. He desired to take the earliest opportunity of stating--as he was aware a good deal of uneasiness had been felt by the banks, as it had been alleged in the papers that his object was covertly to introduce the system of a bank of issue--that there was no desire or intention on the part of the government to introduce any such measure. Although his own individual opinion was favourable to a bank of issue--there were so many obstacles in the way of establishing it, that it would not be brought forward by the government under existing circumstances; but, at the same time, it was found absolutely necessary last year to issue debentures, in small bills of ten and twenty dollars, and it might be found convenient to issue them in still smaller amounts, in case the government required it. Advices from England were, at present, decidedly favourable--there was reason to hope we might be able to obtain money in England, at par, to meet our requirements. If we should be again placed in the position we were in last year, it would be absolutely necessary the government should have the power of continuing the issue of debentures, in case they were not able to get money in any other way. His hon. friend, the member for Haldimand, stated a little while ago, that the banks were prepared to advance money to the government--he believed he knew something of the views of the bank directors, and he believed the hon. member would admit that he was speaking the truth when he said, that although the bank directors would be prepared to advance all the money the government might require, it was upon a stipulation, and that stipulation was that the tax upon bank issues should be abandoned. This was a very important branch of the revenue of the country, and if we were to give up that tax, we should probably be borrowing from them at 15 Per cent. He hoped the house would not be disposed to legislate for the interest of the banks--he was satisfied the house would be prepared rather to legislate for the benefit of the country at large. He would ask hon. members whether, if the mere printing of these resolutions had led the banks to say, that they would be prepared to lend us all the money we required, we would be in any worse position by passing a bill authorizing the issue of debentures, for the bill would not require the government to issue debentures if they found they could get money from

the banks, and they had no desire to do it in case they could obtain a loan in any other way. He hoped that after having made these explanations, hon. members would see that there was no desire to introduce a bank of issue, but that they simply desired to be placed in a position to provide for the maintenance of the public credit, and for the expenses of the public service. The next resolution proposed indemnity to the government for the issue of the debentures of last year. Now, although this resolution admitted very properly that these debentures were not issued strictly within the letter of the law, still he thought it must be obvious to hon. gentlemen who looked into the matter, that the spirit of the law had been adhered to. The hon. member for Huron had remarked that there was nothing in these resolutions that would put us in a better position with reference to providing for the sale of debentures in England. He (Mr. H.) thought he should be able to satisfy the hon. member that we should be placed in a better position. The difficulty they were placed in at present was this. The act 9 Vic., cap. 60, authorised the issue of debentures to the extent of £525,823. All the debentures authorised by this act had been issued, but a portion, say £80,000 sterling, remained in the hands of our bankers in London, about £50,000 at five per cent, and £30,000 at six per cent. The £30,000 at 6 per cent he hoped was by this time entirely disposed of, the £20,000 transferred to Messrs. Barings had been negotiated as he (the Inspector General) had stated on a former occasion, and he trusted that the other 10,000 would likewise be sold. But the 50,000 bearing 5 per cent was locked up in the hands of Messrs. Glynn, Halifax and Co., and was unsaleable. At present no new debentures could be issued in lieu of those £50,000 but under the promises of the proposed bill this £50,000 would be made available. By the 10th Vic., cap. 24, £60,000 was authorized to be issued in debentures, of that £2,500 had been issued until within the last few days, when £10,000 was issued, leaving a balance of nearly £50,000 which would be available were it not for the issue of the small debentures. The Act of last session authorized the issue of £125,000 more. The Government had never had in circulation so much as the £125,000 which they were authorized to borrow, although they had issued debentures to the amount of £245,000 of ... which £142,000 had been returned, the Receiver General, therefore the amount actually borrowed from the public was little less than the amount authorized by law, but the amount actually issued exceeded the amount authorized by law. He contended, therefore, that though they might have violated the letter, they had adhered to the spirit of the law. Then came another branch of the question whether it was legal to issue these debentures, he did not know whether the hon. gentlemen opposite intended to contend that the issue of these debentures was not in accordance with the letter of the law, he conceived they were not contrary to the Act authorizing the issue of debentures, but assuming that the issue was contrary to the letter of the law, still he maintained that it was within the spirit of the law, because they had never had in circulation at one time, as large an amount as the law authorized. The Ministry did not admit that they were not within the letter of the law, but even if it were contended that they were not, the Government were prepared to come to the House and demand the indemnity proposed by this resolution, on the ground of the necessity of the issue to enable them to carry on the public business. The hon. member then read the fourth resolution, providing for the granting of terminable



annuities. It contained a new principle which had not hitherto been adopted, he could see no reason why such a power should not be entrusted to the Provincial Government; it was a mode of raising money and he believed it to be a very desirable mode of doing it, and he therefore thought it highly desirable that this power should be entrusted with the Government. It was difficult to say how far it might be possible to carry such a measure into effect. He had seen in the newspapers, an attack made on that part of the scheme which authorized terminable annuities on the ground that it was interfering with the Life Assurance Companies. He was not sure that there were many Life Assurance Companies in the Province, and he thought it very strange that because the Legislature had chartered these companies, the public at large were to be prevented from availing themselves of similar advantages. He could therefore see no reasonable objection on that ground. And what were the facts? Why, we had English companies, who had no interest whatever in the Province, coming out and transacting business under English charters. He believed the measure to be good in itself; it was sanctioned by the Imperial Government, which granted terminable annuities. He thought it was practicable to do it here, and he thought it advisable that Government should have this power. The next question was that of the Sinking Fund. Hon. members must be aware that there was a pledge given by the Government of this country to the Imperial Government, to establish an efficient sinking fund, and it was now time to redeem that pledge. He should, however, leave this subject to be entered into more at length, by his hon. friend, the President of the Council. The hon. gentleman here read a statement of the produce of the canal tolls during several years, showing a steady increase until they had realised £80,000 during the last two years. With regard to the revenue of public works, he would say that the net revenue had appeared to be much less than it really was, from the system which had been adopted under all administrations. Hon. gentlemen opposite would admit that the Engineers of the Canals had endeavoured to get as much as they possibly could out of the tolls, having got a certain estimate before them for carrying on the work, and desiring to keep within it, the consequence was, that a considerable amount of the tolls had been taken, but for this he felt satisfied the Public Works would show a much better revenue than they had done in former years, and he had no doubt the mode provided for appropriating that revenue would establish a sinking fund that would be amply sufficient to redeem the public debt. The next resolution contemplated another object. The House was in the habit of voting an annual supply of a certain sum of money for the services of each particular year, but there had been no means provided to meet any deficiency that there might be in the revenue, consequently, if the expenditure of the year, including the charge in the consolidated fund, and if the vote of supply authorized by this House, should amount to a certain sum--say £460,000, and the revenue of the year only about £400,000, there would be a deficiency of £60,000, but there would be no way of meeting that deficiency and the object of this resolution was to enable the Government to obtain loans, provided such loans should not exceed the amount of the deficiency; but not one shilling more. His object in seeking this authority was to realize what had been practised by all Governments for many years past. There was no doubt that Governments had been in the habit of borrowing money from the Banks, although they had no authority

for doing it, and the object of this resolution was to give them the power. The eighth resolution contemplated giving authority to raise loans to meet the expenditure which had been made on permanent public works, such as the Welland Canal. The ninth resolution was merely to legalize what was done at the present time in practice, viz.: the keeping of the public accounts by double entry. He now came to the last resolution, which was to empower the Governor in Council to alienate a number of local public works--by this measure, the Government would be able to divest itself immediately of a number of local works which could far better be managed by local authorities, such as macadamized roads. He had thus briefly gone through the resolutions, and he trusted that those hon. members who represented the Banking interest in this House, would see that there was no such dreadful design upon the Banks, as they had imagined. There was no desire on the part of the Government to interfere with the circulation of the Banks, they merely wanted sufficient power to maintain the public credit of the country, and nothing more. He believed there was only one of these resolutions to which there be any serious opposition; but if there were any others he had no wish to press them to a vote to-night.<sup>75</sup>

MR. CAYLEY asked the hon. Inspector-General to allow the Committee to rise and report progress, to enable hon. gentlemen on that side of the House to digest the scheme which had just been propounded by the hon. Inspector General. It was out of the question to separate the discussion on the several resolutions. If the matter was debated at all, it must be debated as a whole, and thus defeat the intention of leaving untouched the 2nd resolution, in which the Banks were supposed to take an especial interest.<sup>76</sup>

MR. INSP. GEN. HINCKS did not see it in the same light, and was reluctant to rise without making some progress.<sup>77</sup>

MR. CAYLEY then proceeded--he certainly was not aware, when he had remarked that he saw nothing in the resolutions to assist or prevent the Hon. Inspector-General from communicating with his financial correspondents in England, he was not aware of the difficulty into which the hon. gentleman had fallen.--The hon. member had told them that he did not feel himself in a position to substitute 6 for 5 per cent debentures, then in the hands of Messrs. Glynn, Halifax & Co., without the passage of an act to that effect, while in the resolutions before the committee, the Government asked the House to indemnify them for issuing and re-issuing the 10 and 20 dollars debentures; that appeared very like straining at a gnat and swallowing the camel. He (Mr. Cayley) felt assured that the Committee would agree with him that there were one or two very essential points to be kept in view in negotiating loans or raising funds for the use of the Province. 1st, that the means resorted to were legitimate. 2nd, that the Province had the power and the will to secure the public creditor. Now, he contended that neither the course, with regard to the issue of the small debentures which the Ministers had adopted for the last eight months, nor the documents which they had lately submitted to the House, nor the resolutions then before the Committee, betrayed the slightest regard for these important points to which he had referred. He contended that there was nothing which more imperatively demanded the watchful care of the Government than that

the credit of the Province should be maintained unimpaired. Upon that credit depended the future prosperity of the country. The Province, all would admit, was wealthy, not wealthy in cash, but in resources. How were these resources to be developed? By the employment of capital, and that capital depended upon their credit. The Banks had been one of the main channels through which capital had been introduced into the country, and every means, it appeared to him, had been resorted to, to check the efficiency of these institutions; the Bank tax imposed, he believed, in 1843, had done much to arrest the flow of capital into the Province, and the system recently adopted by the Government of issuing inconvertible paper to take the place of the Bank circulation, had aggravated the evil. Did the ministers expect that the credit of the country could be maintained by a Government issue of paper, forced into circulation by the opportunities they possessed of making payment in every quarter of the Province, not convertible, not redeemable on demand, and at a considerable discount below the value of the Bank paper. As a measure of simple justice to the Banks, it ought to be discontinued. Had the Banks broken any of the conditions on which their powers of Banking were based? was it fair, that while they were under the strict obligation of redeeming their circulation on demand, and paying a tax of one per cent on their issue, that the Government should interfere with a circulation not convertible, and thus, to the amount of that spurious issue, depriving the Banks of a legitimate source of profit; two principal sources of profit to a Bank lay in its circulation and deposits, and both of these were materially interfered with by the debentures in question. Again, with regard to the effect which such a circulation or forced issue was likely to have on the credit of the country, he would read one or two passages from a letter addressed to Messrs. Baring Brothers, by the hon. Inspector General, dated 20th Dec., 1848; that letter contained the following quotation from a previous communication received from Messrs. Baring Brothers. "Credit is only personally maintained by the public knowledge of ample powers and constant regularity in making all money engagements." He (Mr. C.) contended that both those conditions were wanting in the forced inconvertible paper issued by the Government. It showed clearly the absence of any other power of meeting engagements except the most imperfect and unsatisfactory one that was resorted to. The next passage he would quote had reference to means which the country possessed of increasing its revenues. "If Canada wanted more revenue there would be no difficulty in increasing the duties on imports generally which are now, say 20 per cent lower than the American average." That remark would naturally induce Messrs. Baring Brothers to draw the inference, that the Government would avail themselves of the meeting of Parliament to have recourse to the means suggested for improving the revenue. Had this been done? Had any notice been given of any such measure? This House had been sitting nearly two months and not a word of the kind had been uttered, and the very first intimation which Messrs. Baring Brothers would receive on the subject of our financial arrangements, would be the announcement of the Ministerial plan to raise means by the issue of inconvertible paper, ranging from five shillings to ten pounds, the infraction in fact of the very conditions which they had laid down as essential to the maintenance of public credit. Again, with reference to the means which the Province possessed of meeting its



engagements, how had the Inspector General described the position of the country and its revenue. He would read some passages from a memorandum written by the hon. Inspector General on Immigration. "Page 5--At present, the Public works generally are only to be relied on as furnishing a very small part of the revenue." Page 6th--"The Provincial Legislature would not be justified, under existing circumstances, to pledging the revenue to any further extent. That revenue will not, for some years, at all events, be more than adequate to meet the necessary annual expenditure, and the interest of the debt, and to provide for the sinking fund." Page 8--"I have already stated that the reasons which compel the Provincial Government to decline placing any fresh charges on the consolidated revenue fund." These extracts clearly shew, that at the time that memorandum was written, 20th Dec., 1848, the hon. Inspector General was of opinion that the consolidated revenue fund would bear no additional burden, had that opinion been acted up to? The very first proceeding with regard to money matters adopted by the Government in the present Session had been to alienate the territorial revenue, amounting to about £25,000 annually, and set it apart to form a fund for the school purposes. The second measure was the one they had that day passed, appropriating £100,000 to the rebellion losses; thus, this very consolidated revenue fund, which, in Dec., 1848, had been described as incapable of sustaining any further burden was in Feb. and March 1849, saddled with an additional charge of nearly half a million. Was that the way to create confidence in the resources of the country or in its capability to meet its engagements? But did the matter rest there?--What was the meaning of the 8th clause of the resolutions, authorizing the Government to issue debentures for the full amount of the sums which had been taken from time to time from the consolidated revenue, and expended on public (sic) works. That amount, the House had lately been told, exceeded (sic) £400,000--was it intended to pour these debentures also into the market? And if negotiated, to what purposes were the proceeds to be applied? Was it fair, at the very moment that the Government were preparing its agents in London to negotiate some £50,000 or £60,000 debentures, and detailing the means of the Province to meet its engagements, to hamper those means with an additional half million of charge, and flood the market with another half million of debentures. With regard to the sinking fund, he considered the plan of the Government wholly inadequate to the purpose. By the Act of 1847, the Province was bound to contribute a sum of about £75,000 annually, and that amount ought to be made a charge in accordance with the terms of the Act upon the consolidated revenue fund and if that fund were found inadequate, means should be taken (sic) by taxation to increase the revenue. What assurance had the creditor in the revenues to be derived from the Public Works, those revenues might rise or fall, dependant on the trade of the country. Did they mean to make the public creditor dependant on the success of these works? The extracts which he had just read, shewed that no great increase in the tolls from Public Works was expected for years to come; how, then, could they be expected to meet the demands of the sinking fund? What had those works hitherto returned? The gross revenue for

1847, was.....£83,000

1848, was.....£80,600

The charge for management of the works for 1847, amounted to £43,000; add

that amount to £20,000 to be reserved for general purposes, and 20,000 would be left to meet the sinking fund of £75,000. With reference to the terminable annuities, he should be prepared to express his opinion when the plan was developed more fully. He certainly should be opposed to any system of life insurances, or to giving the Government unlimited powers to make what bargains they chose, for the sale of terminable annuities.<sup>78</sup>

MR. PRES. EX. COUN. MERRITT said, the hon. member for Huron had said that they had been two months in session and nothing yet had been done.<sup>79</sup>

MR. CAYLEY, had said, that they had been two months in session, and the Public Accounts were not yet before the House.<sup>80</sup>

MR. PRES. EX. COUN. MERRITT.--Well, he had misunderstood the hon. gentleman, but at all events he was glad to be able to congratulate the house and the country that they had now come to matters of real interest to the country. In answer to the remarks of the hon. member for Huron he would refer first to the Bank, and then he would touch upon the sinking fund. The Bank tax had not been put on as had been assumed in 1843, but in 1841, and no member of the present Ministry were in the Government at that time. He would now speak on the Sinking Fund. This fund, said the hon. gentleman, is to be created out of the proceeds of public property and local works, which the Government will be authorised to dispose of, on the best terms they can obtain, also from the Tolls derived from the main leading communications from the ocean to the Western Lakes, to Lake Champlain, the Ottawa river, and Burlington Bay Canal. The last mentioned are designated Provincial Works and will be under the control of the Provincial Government. The amount of £20,000 is to be applied to the credit of the consolidated fund, at the close of each year, if required; and as an equivalent thereof, whatever balance may remain in the consolidated fund. An imperative necessity exists for creating this fund during the present session, no (sic) only to restore and maintain the public credit, but to secure the same prospective advantages for the transit of the Western trade through the canals of Canada, which has already been secured for the canals of New York. It must ((be)) borne in mind that in 1846 the constitution of that state was amended, and a sinking fund created, for the purpose of liquidating the public debt, after which (except \$680,000 set apart for the support of the Civil Government), they may reserve all tolls. This is the moment for the Legislature of Canada ... to adopt the same plan to secure a similar object; inasmuch as they will be compelled for the next twenty years to keep up high tolls, to pay that debt. The question for our consideration is, whether the tolls on our canals can be relied on to effect that object, at as early a period as the tolls on their canals. To determine this point, we must first examine the relative amount of the public debt of the two countries. It appears from the Comptroller's report of 1847, page 13, that the aggregate amount of their public debt was \$24,734,000; and in the report of last year, page 129, it had been reduced to \$22,703,343, equal to £5,675,835; while the public debt of Canada, including the estimated cost of the completion of the Welland and St. Lawrence Canals, and every appropriation which it is expected to be authorized this year, will reach £4,500,000. Thus leaving an excess of public debt against New York of £1,175,835.--In the second place, with

regard to the relative resources of the two countries, the only revenue on which they can rely is the tolls on their public works. In 1846, the Comptroller furnished a series of tables showing the amount collected from year to year, upon which a calculation was based, and an estimate made of the probable amount of increase for the future. From these tables, it appears that the tolls in the years

1826 had reached.....	\$ 687,976 00
1836 " " .....	1,440,539 00
1845 " " .....	2,757,178 00

From this data, estimating the ordinary expenses on these canals at \$600,000 per year for expenses, and repairs, in 1855 a net income of \$3,000,000 will be made available.

It appears from our public accounts, that in addition to the revenue derived from tolls, estimated in 1850 at from one to \$500,000, we receive a revenue from Customs amounting to about \$400,000, and from timber, 37,000, which they have not, leaving the public lands out of the estimate which are to be appropriated for a better purpose--Common Schools.

Thirdly--With regard to the relative amount set apart from these resources for a Sinking Fund, it appears from their amended constitution, that there has been set apart for the payment of their Canal Debt, first, \$1,000,000; second, for State Debt, \$350,000; in all, \$1,350,000. The remainder of this revenue, after appropriating \$200,000 for the maintenance of the Civil Government, is to be applied to the Erie Canal enlargement, the Oswego, the Genesee Valley, and the Black River Canals. Against which we have the value of the public property--value of local works, estimated by the Commissioner of Crown Lands at £500,000.

Fourthly--We will next examine the relative amount of debt to be paid out of this sinking fund. This will be paid from the tolls received from (sic) the Provincial works, averaging about £300,000 per year, for the next 15 years, thus gaining against the Erie Canal five years. It appears from the report of 1847, page 14, that to pay the Treasury and Canal debt, including interest, from the sinking fund, there must be drawn from the revenue of the Canals during the next 22½ years, upwards of \$40,000,000, £10,000,000--while it appears from a statement made by the Inspector General, we only require to draw from a similar fund, the principal of the public debt, £4,500,000. It will be borne in mind, that in place of sustaining the annual interest from our sinking fund, which they must, at 6 per cent. on their debt, amounting to £340,550 per year, before the principle (sic) can be diminished; we pay the interest on our debt from the customs' duties, consequently (sic), every farthing from tolls is applied at once to diminish the capital.

Fifthly--If the tolls in their Canals can pay a debt of £10,000,000 by the year 1869, the time at which their debt will be paid off, will the tolls in our Canals pay £4,000,000, the estimated balance within the same time. This will depend on the amount realized. I will, therefore, briefly state the grounds on which we rely for an income. I admit no correct data can be furnished by the returns from the public works in Canada, on which an estimate should be based; for this very good reason, that up to the present moment our canals remain unfinished. The tolls on the Welland Canal in

1841, amounted to.....	£14,132 0 0
1847, amounted to.....	30,000 0 0



This is alluded to in order to show the relative increase between the Erie and Welland Canals. The former, furnished, material provided, and in successful operation, had doubled the amount of toll in ten years. The latter will not be fairly opened until the close of the present year, nor is the necessary material as yet provided. Still the tolls have been more than doubled in six years. No tolls having been collected on the downward freight on the St. Lawrence Canals, we must (sic) refer to the best information we can obtain for a statement of the present movement on that river, which has been furnished by Mr. Dunscomb, the Commissioner of Customs, who, in a letter dated 29th January, 1849, shows that 710,292½ tons have passed through the St. Lawrence Canals, and 307,612 tons through the Welland Canal. As a part of what has passed the Welland may also have passed the St. Lawrence, we cannot give an accurate account of quantities, nor is it necessary because we may rely on the information furnished from a far better source. The financial talent of our enterprising and intelligent rivals has furnished data, from which Samuel Keefer, Esq., Civil Engineer to the Board of Works, has prepared tables, giving the annual increase of the trade of the Western States, showing that the Western trade has since the year 1839 increased at the extraordinary rate of 24 per cent per annum, and that for a limited term of years it is to be anticipated that it will increase in the same ratio. Now, he had taken the trouble to draw up another statement shewing the probable amount of tolls in 1850. He did so in deference to the opinions of others, for in his opinion the amount would be much larger, but assuming the amount of toll in 1850 to be £100,000, and the annual increase 25 per cent in place of 24 per cent, the toll in 1858 would reach £500,000 per year, and the entire debt would be paid off in 1862, as shewn by a table prepared for the purpose, and which he would be happy to submit to the consideration of any hon. member who chose to examine it. But he was prepared to say that the Welland Canal alone would pay off the whole of the debt in 1865, for if we assume the data furnished by the Welland Canal doubling the toll in six years, the toll in 1864 would reach £500,000, and the debt would be paid off in 1865. Some hon. gentlemen might be disposed to think he was too sanguine, but if they would only pay the same attention to the subject that he had paid, and examine carefully the papers that he was prepared to lay before them, he thought they would be convinced. No good reason can be assigned why the actual increase of the trade of the west will not apply equally to the Welland and St. Lawrence Canals, as to the Erie Canal; or that the increase of the amount of toll on the Welland Canal will not continue in future at the same progressive rate as heretofore. But as many members may not have had an opportunity of giving this subject the consideration it is really entitled to, I beg to call their attention to an estimate of the number of Lockages on the Erie Canal, arising from the increased trade, prepared by Mr. Keefer, showing the capacity of the Erie Canal in 1847. It appeared by that document, taken from the report of the Commissioners of the State of New York, that during the Season of Navigation, consisting of 214 days, there were 44,818 lockages. The highest number was in July, when the number of lockages amounted to 7,495, or one every five minutes and fifty-seven seconds, working night and day. The lowest number was in November, when there were 5,166 lockages, or one in eight minutes and twenty-one seconds, working without intermission. This

is a fact that ought to be generally understood, for it shows clearly that they have reached the maximum of their Western Trade. It is impossible to force it any further, and the natural inference is, that the trade must come into its natural channel. I beg to call the attention of the hon. and learned member from St. Maurice to this statement. I understood him to say in the debate on the address, which I noted at the time, and he will correct me if I am in error, "That England, to benefit her millions, had injured the colony by changing her commercial policy, and therefore should relinquish her claim to the provincial debt--or that we should give her up our canals; that it was a folly to construct such large canals, and that they would eventually be as useless as the Rideau." I really regretted to hear this opinion from that hon. member, for whom I have ever entertained a strong personal partiality since we first met. He was one of the earliest and most efficient supporters of those great works, and then entertained very different views of their importance, and I hope still to convince him of the wisdom of constructing those large canals, and that we shall not require any part of the debt relinquished, and that it would be most impolitic to transfer them to any other power. To return to the subject, if the foregoing statement of Mr. Keefer be true, must not this irresistible conclusion be forced on our minds, that the Erie Canal, and all the railroads now made or hereafter to be made, are not sufficient for the transit of the increased trade of the west. It is therefore useless to attempt to prove that the St. Lawrence is the cheapest route; all we have to do is to open it as soon as possible, and give it an opportunity to speak for itself, and prove its value. The movement on the Erie canal for this year, was nearly three millions of tons. The report of the Hon. Washington Hunt, chairman of the committee of Commerce, on the Chicago convention, estimates the movement of western trade before ten years, at seven millions of tons. Surely the movement on the Welland canal, the St. Lawrence, and the increased trade of the west, should warrant an estimate in 1850 of at least one million of tons--suppose four fifths descend the St. Lawrence--

	800,000 at 7s. 6d.	£300,000
Upwards--	200,000 at 10s.	100,000
	Making in all.....	£400,000

If our Canals are finished by the 1st May next, nothing but some useless restrictions or the want of sufficient number of vessels will prevent our realizing this amount. But from the delay which has already arisen in furnishing those works, from our habitual want of energy, and in deference to the opinion of others, I have only assumed as a basis for this sinking fund in 1850, £100,000. I have dwelt on this subject much longer than usual, because I am desirous that capitalists at home and abroad, should clearly understand the prospects of the revenue, on which this sinking fund is based. For my own part, altho' I believe the St. Lawrence Canal, will yield a much larger revenue than the Welland. I have no doubt that within 20 years, the Welland Canal alone, will pay off the Provincial debt. In addition to the Oswego Canal, the Oswego railroad is now finished, connecting with the N. York line at Syracuse. The St. Vincent Railroad to connect with the same line at Rome, and the Ogdensburgh Railroad leading to Boston, will be finished in 1850. From what quarter do they rely for freight to pay the many millions of dollars expended in their construction. The trade of the west. This can reach them through no other

channel than the Welland Canal. We may therefore calculate with moral certainty on 1,000,000 tons over all those internal communications to the Atlantic ports, and for the supply of the northern and eastern population within the United States. We may also calculate with certainty on this trade affording to pay one dollar per ton, after the canal is finished in a manner which will ensure the passing of a vessel from Lake to Lake in one day and night. This, independent of the great valley of the St. Lawrence would give £250,000. Although this sinking fund forms an important branch of the financial policy of the present Government, it is but a part. The whole should be clearly understood, so that every member and every individual may feel that it is his interest to assist the Government to carry it into practical operation at the earliest possible moment. I have already stated that the finances of Canada must be placed in as good a position as those of New York, or we cannot successfully compete with them. They have provided for the payment of their public debt within 20 years. We must do the same. Their motive for recommending this measure is thus briefly stated. "When this debt is paid and the tolls reduced, we will secure the continuance of our trade in defiance of all competitors." This allusion refers to our ship canals in Canada, and reminds us of the necessity of placing them in as good a position as those of our competitors. Their history afforded the most striking proof that our embarrassments are not without precedent or without remedy, as it appears from the Comptroller's report that twelve and a half million of dollars was made chargeable on the canal fund for the payment of railroads and other improvident loans and expenditures. In 1842 an Act was passed suspending all public Works not indispensably necessary to keep open the navigation already finished. In 1844, such was the effect produced on the public mind that the amended constitution deprived the Legislature of the power of borrowing money without imposing a direct tax to pay it within 18 years, or of lending money to any corporation or individual. We also complain, and with reason, at the wasteful expenditure on local works not yielding a return, & the rapid increase of the public debt since the union. To check this abuse, all local works will be discontinued, and no partial or local work should be undertaken hereafter on the credit of the Consolidated Fund. If the Imperial Government were made to understand that effectual means have been taken to pay off the one and a half million due them, they will not hesitate to lend us their credit for any reasonable amount required at 4 per cent. to effect further improvements, for which they will derive an ample equivalent, from the employment of emigrants, and the increase of trade.--They will secure ample security in the public lands and those public works, if the conditions of the Act are faithfully adhered to, as individuals must finish and expend one half the capital before the loan can be made. The Provincial Government will also secure ample security, as this loan will be made at 6 per cent for which they pay but 4, leaving 2 per cent profit. Whether further loans are effected or not, this policy cannot fail to produce the most satisfactory results. The people in Western Canada will feel that without the concurrence of their fellow subjects in Lower Canada those Canals could not have been constructed, and their public debt could not have been paid, and we shall hear no more of the rebellion losses. The people of Lower Canada will feel that they are



indebted to those public works also, not only for the payment of our present debt, their future revenue, but for this general prosperity, and no portion of Canada more so than Quebec. All parties and every section of the country will unite in maintaining a policy which will enable them to dispense with customs duties altogether, which as in the case of N. York will furnish them with an ample revenue from tolls, principally paid by foreigners and relieve all that part of Canada situated below those Canals from every description of taxation, and ... make Canada the most prosperous portion of America.<sup>81</sup>

MR. ROBINSON followed Mr. Merritt in a few words, but which we could not catch distinctly.--We understood him to discredit the statement of Mr. Merritt, respecting his glowing anticipations of the results to be expected from the Canals, although he trusted the result might turn out as described.<sup>82</sup>

MR. THOMPSON thought that the issue of the debentures would be highly injurious both to the Province and to the Banks. It was the duty of every wise Government to encourage the influx of capital, whereas the effect of this measure would be to drive capital out of the Province, and it was injurious to the people because there was a great difference between palming off inconvertible paper, redeemable in twenty years time, and the issue of paper which could be converted into cash at any moment.<sup>83</sup>

MR. H. BOULTON (Norfolk) said, that it was obvious that as soon as the canals were completed, they will return a very handsome revenue, for every person knew that the Erie line cannot compete with the St. Lawrence in point of speed, or the capacity of the vessels employed in the trade, and those two items alone would be quite sufficient to give us a considerable superiority over the Erie line, and it should be remembered that although they are now deepening the Erie so as to increase the depth to seven feet, it was not always possible to obtain a sufficient supply at one season of the year. Respecting the assertion of the hon. member for Huron, that the tax of one per cent imposed on the Bank issues, had diminished the value of such, he was disposed to be of a different opinion. He believed that the principal cause of the depreciation, was that the Banks speculated too largely in foreign exchanges. It was not at all uncommon for them to find that after advancing forty shillings a barrel for flour here, and sending it home to Liverpool, it tumbled down to twenty shillings. That was, in his opinion, the real cause of the depreciation of Bank Stock, but the present stockholders were not the losers. On the contrary they would be given a considerable bonus if that Act were repealed now.<sup>84</sup>

MR. DEWITT saw every reason to hope, that we would derive a large revenue from our Canals, they were better adopted for the admission of large vessels--vessels carrying 5,000 barrels, which was five times as much as the American boats could carry--they were not necessitated to go through the same amount of lockage, and instead of being dragged by horses, upwards of three hundred miles they were propelled by steam for a considerable part of the way. And it should be remembered that our canals are not yet finished, so that it is scarcely possible to imagine the amount of business that may yet be done on the St. Lawrence; but when they are finished, and the navigation thrown open from the Lakes to the Ocean, its superiority over the American route would be easily seen; for

whilst they want water in the Northern States, and have the yellow fever in the South, the St. Lawrence is free of the latter, and there is no fear of her canals being without water; it is therefore, but natural to suppose that with every facility which could be desired, we will obtain the greatest portion of the trade now flowing through other channels. It should be remembered also, that without the free use of steam on our rivers, it will not be possible for us to compete with the American merchants in New York, in transmitting the produce of the Western country across the Atlantic. And yet we have only one weak steamer below Quebec, whilst it is of the utmost importance to us to have a strong and effective steam force to assist ships in navigating the river.<sup>85</sup>

MR. HOLMES would be happy if two things could be accomplished, and he hoped every hon. member present would agree with him, when he said that the repeal of the Navigation Laws and the completion of the last link of the line of canals from the St. Lawrence to Lake Champlain, was necessary, before the flattering vision of the President of the Council could be fully realized. It could be easily seen that the whole of the supplies for the Eastern States would pass by that route, and of necessity, Canada must be the depot, as it must also necessarily become the depot for the manufactures required for the Western States, for it could easily be shewn that the St. Lawrence was the natural channel for the Western Trade.--Besides, he conceived in the statements made by the hon. President of the Council, who had proved that it was impossible for the Erie Canal to keep up with the increased rate of trade, and therefore we had a right to expect to have a very large increase in the tolls. But that must in a great measure depend on the immediate completion of the last link of the canals, which would for a certainty bring almost the whole of the Western Supplies intended for the States of Vermont, Massachusetts, and Maine, through the Canadian waters, and he had very little doubt that in consequence the tolls would amount to the sum named by the hon. member for Lincoln--£500,000. He therefore urged on him and the other members of the Government, to offer some inducement to private companies, to open up this canal if the Government were not disposed to take it in hand. The trade in timber alone would be quite sufficient inducement to the expense of opening that canal. For from the slight experience he had acquired of that trade, he was able to say that the trade in timber, with the Eastern States, was more profitable than the trade to Liverpool. For instead of sending the timber through in the rough, to be sold there for \$10 or \$12, the same quantity of timber could be sold at an advance of two or three hundred per cent, besides giving employment to the native industry of the country. Whilst, at the same time, every mill stream in the Province would be in employment. The hon. member for Huron had made some remarks with respect to the tax on the Bank Issues, in which he did not perfectly agree.<sup>86</sup>

MR. CAYLEY was not in Parliament at the time the Act was passed.<sup>87</sup>

MR. INSP. GEN. HINCKS.--Why did you not repeal it since. (Hear, hear.)<sup>88</sup>

MR. CAYLEY said it was not as easy to take a tax off any peculiar article as it was to impose a new one, for it was always necessary to raise a revenue equal to the amount proposed to be repealed.<sup>89</sup>

MR. HOLMES said that the tax had been imposed in 1841, when the banks

were getting their charters renewed, and he did not resist it, as he conceived it to be only a just and proper tax, and he did not think it very onerous for them to pay a tax for the enjoyment of a privilege which no other class possesses.--(Hear, hear.)--Respecting the depreciation in the value of Bank Stocks, it should be remembered that previous to the renewal of their charters, their capital was very limited, and after the Act was passed, many of them doubled their capital, and the large quantity of stock thus thrown on the market, was the principle cause of the sudden depreciation in the value of the Bank Stock.<sup>90</sup>

MR. SEYMOUR hoped the views and expectations of the hon. chairman of the Board of Trade would be realised, but he would ask what was the use of employing more fiscal agents in England, unless it was intended to increase the debt of the country.<sup>91</sup>

MR. PAPINEAU was sorry that the resolutions did not contain one word of retrenchment, although it was admitted that they could not meet the expenses of the country. This was a strange story to give to their creditors. How could they borrow more money if they went on in the way they were doing. But he must confess he did not wish to see the credit of the country in a good state--(hear, hear.) Their expenditure was too great because they had not a corresponding return to meet it, and the first step they took ought to be the reduction of their expenditure, but he did not think this object would be gained by borrowing more money. With regard to the statements made respecting their canals, he was afraid the President of the Board of Trade was labouring under a youthful delusion, for their neighbours on the other side could complete and work canals at a cheaper rate than they could, therefore it was nothing but an illusion to think we were able to compete with a people so energetic as those of the United States were. It was true the people of Canada had canals, but they were unproductive, and were also likely to remain so. The Government had embarked in undertakings which they should not have done, and the present Government had come forward asking the support of the house in changes which they had not told the house of. From their representations made to the Imperial Government they had nothing to expect from England. The hon. member then referred to the issue of Debentures, and maintained that the small notes of the Province, bad though they were, were better than the Debentures issued by Government. Even the silver currency was base, so base that in England no more than 40s worth would be received as a legal tender. The effect of adopting the resolutions would be to make the currency of the Province worse than it was. It was proposed to raise money on these Debentures, and that could not be done at less than six per cent, for the fact of their being at par was made the subject of a boast by the Inspector General, the other night. This circumstance, however, was not on account of the prosperous state of Canada; but because confidence had been restored in England and money was so plenty (sic) in the Bank of England that only 2 per cent could be got for deposits, and men who had money would rather incline to risk it in Canadian Debentures on which a higher per cent. was obtained. It was, therefore, owing to the rise of the English stocks that Canadian Debentures had risen. Borrowing money at 6 per cent and placing it in works which only yielded three per cent, would never enrich any country. (Hear, hear.) If there was no surplus fund, he thought there ought to be no sinking fund, and the best thing



for the country would be a judicious system of taxation. This would do more to elevate the credit of the country than any sinking fund.--There was another singular feature in the resolutions, which seemed to seek to give the Governor in Council the power of doing this or that, as it might please him to do; but in his opinion, the Parliament was the proper place to consult on measures of importance to the country, and in the event of a debt being contracted, the sense of the country ought to be canvassed on its merits--Were the sale of the Public Works to be left with the Government, he was afraid that personal interest might sway them in the disposal. With these considerations, he hoped the Government would fill up the blanks in the resolutions in committee, so that the country might know the extent of their liability. He thought they were wrong in giving up the £10,000 on the Banks, such a sum was not much for a country in a prosperous state, but it was a large sum to a needy country such as Canada was. He thought that a lower tax on many things imported would tend to increase the consumption. Instead of taking the duty off whisky, it would be more in favour of temperance and the comfort of the people if the duty on tea and coffee were reduced, as many articles could be bought at 20 per cent less in New York than they could be purchased here. The hon. gentleman spoke at considerable length, and concluded by advising greater economy in the expenses of the Executive Government.<sup>92</sup>

MR. INSP. GEN. HINCKS rose to reply to the hon. member from St. Maurice and the hon. member for Huron, but our reports have extended to such a length that it is utterly impossible to extend them farther.<sup>93</sup>

MR. SOL. GEN. DRUMMOND also addressed the house.<sup>94</sup>

((He was)) followed by MR. THOMPSON, but the same reason must be given for the non-appearance of their remarks.<sup>95</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Morrison reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

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Ordered, *That the Committee have leave to sit again on Thursday next.*

Ordered, *That the said Order be then the first Order of the day.*

Supply.

*The Order of the day for the House in Committee of Supply, being read;*

Ordered, *That the said Order of the day be postponed till Tuesday next.*

Election Bill.

*The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read;*

Ordered, *That the said Order of the day be postponed till Tuesday next.*

Quarantine Bill.

*The Order of the day for the second reading of the engrossed Bill from the Legislative Council,*

intituled, "An Act to amend the Quarantine Act," being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Bill respect-  
ing Lands  
for Slides.

The Order of the day for the second reading of the Bill to enable persons to obtain Lands necessary for the construction of Slides, in certain cases, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

County Divi-  
sion (U.C.)  
Bill.

The Order of the day for the second reading of the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require, being read;

Ordered, That the Bill be read a second time, on Tuesday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Richards, seconded by Mr. Smith, of Durham,  
The House adjourned till Monday next.

FOOTNOTES: 9 MARCH 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 12 March 1849, and BRITISH COLONIST, 16 March 1849, in identical accounts; PILOT, 12 March 1849, and GLOBE, 17 March 1849, in identical accounts; and PILOT, 14 March 1849. The GLOBE will be used instead of the PILOT when necessary, and BRITISH COLONIST instead of MONTREAL GAZETTE.
2. BRITISH COLONIST, 16 March 1849.
3. PILOT, 14 March 1849.
4. IBID, 12 March 1849.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. BRITISH COLONIST, 16 March 1849.
10. PILOT, 12 March 1849.
11. BRITISH COLONIST, 16 March 1849.
12. PILOT, 12 March 1849.
13. The debate on this matter was reported by: LA MINERVE, 15 March 1849; PILOT, 12 March 1849, MONTREAL GAZETTE, 12 March 1849, BRITISH COLONIST, 23 March 1849, and PRINCE EDWARD GAZETTE, 23 March 1849, in identical accounts, except that PILOT reported Robinson's speech differently, BRITISH COLONIST reported Robinson's speech only, and PRINCE EDWARD GAZETTE only reported part of Robinson's speech. LA MINERVE, 12 March 1849, and LE JOURNAL DE QUEBEC, 13 March 1849, noted the debate. Commentaries may be found in: PILOT, 12 March 1849, HAMILTON SPECTATOR, 10, 17 March 1849, and BRITISH COLONIST, 23 March 1849. The BRITISH COLONIST will be used instead of the MONTREAL GAZETTE when necessary.
14. MONTREAL GAZETTE, 12 March 1849.
15. PILOT, 12 March 1849.
16. BRITISH COLONIST, 23 March 1849.
17. PILOT, 12 March 1849.
18. BRITISH COLONIST, 23 March 1849.
19. PILOT, 12 March 1849.
20. BRITISH COLONIST, 23 March 1849.
21. PILOT, 12 March 1849.
22. BRITISH COLONIST, 23 March 1849.
23. PILOT, 12 March 1849.
24. BRITISH COLONIST, 23 March 1849.
25. PILOT, 12 March 1849.
26. BRITISH COLONIST, 23 March 1849.
27. MONTREAL GAZETTE, 12 March 1849.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.



37. IBID.
38. IBID.
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43. IBID.
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54. IBID.
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56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. The debate on this matter was reported by: LA MINERVE, 15 March 1849, copied by LE JOURNAL DE QUEBEC, 22 March 1849; MONTREAL GAZETTE, 12 March 1849, HAMILTON SPECTATOR, 21 March 1849, and BRITISH COLONIST, 23 March 1849, in accounts identical except that BRITISH COLONIST reported fewer speeches; PILOT, 12 March 1849, GLOBE, 17, 21 March 1849, PROVINCIALIST, 22 March 1849, and ST. CATHARINES JOURNAL, 22 March 1849, in accounts identical except that GLOBE, 21 March 1849, omitted three speeches at the end of the debate, PROVINCIALIST omitted and abbreviated a number of speeches, and ST. CATHARINES JOURNAL reported only Merritt's speech. All the above accounts are identical to each other once they report the House in Committee of the whole. PROVINCIALIST, 22 March 1849, also reported the debate, and LE JOURNAL DE QUEBEC, 15 March 1849, noted the debate. A commentary may be found in LA MINERVE, 12 March 1849. The JOURNAL DE QUEBEC, HAMILTON SPECTATOR, and GLOBE will be used in place of LA MINERVE, MONTREAL GAZETTE, and PILOT, respectively, whenever necessary.
64. HAMILTON SPECTATOR, 21 March 1849.
65. GLOBE, 17 March 1849.
66. HAMILTON SPECTATOR, 21 March 1849.
67. GLOBE, 17 March 1849.
68. HAMILTON SPECTATOR, 21 March 1849.
69. IBID.
70. IBID.
71. IBID.
72. IBID.

73. GLOBE, 17 March 1849.
74. HAMILTON SPECTATOR, 21 March 1849.
75. GLOBE, 17 March 1849.
76. IBID.
77. IBID.
78. IBID. In the PILOT, 12 March 1849, the revenue for 1848 is given as £80,000.
79. GLOBE, 17 March 1849.
80. IBID.
81. IBID., 21 March 1849.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. HAMILTON SPECTATOR, 21 March 1849.
92. IBID.
93. IBID.
94. IBID.
95. IBID.

MONDAY, 12 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. Johnson,--The Petition of the Municipal Council of the District of Ottawa.

By Mr. Marquis,--The Petition of the Honorable A. Dionne and others, of the County of Kamouraska.

By Mr. Chauveau,--The Petition of Joseph Painchaud, Esquire, and others, Members of the Medical Profession, of Quebec; and the Petition of G. O'Kill Stuart, Esquire, and others, Stockholders in the Quebec Protestant Cemetery Association.

By Mr. Meyers,--The Petition of the Cobourg and Grafton Road Company.

By Mr. Jobin,--The Petition of V. Roy Lapensée and others, of the Parish of St. Michel of Lachine, District of Montreal.

By Mr. Holmes,--The Petition of the Bank of Montreal (Debentures).

By Mr. Beaubien,--The Petition of the Right Reverend the Bishop of Bytown, and others (Pères Oblats).

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of A. A. Adams and others, of the Township of Barnston and vicinity; praying for aid to complete the main Eastern Townships' Road leading to the Province Line at Hereford.

Of Charles Whitlaw and others, Officers and Members of the Paris Fire Company Number One, Canada West; of A. Thibodo and others, Officers and Members of Fire Companies of the City of Kingston; of George S. Wilkes and others, Officers and Members of the Brantford Hook and Ladder Company Number One; of Henry Groves and others, Officers and Members of Fire Companies in the Province of Canada; and of John Perrigo and others, Officers and Members of Fire Companies in Canada; praying that the provisions of the Act 4 and 5 Vic. c. 43, may be so extended as to exempt any person having served as a Fireman for seven consecutive years, from serving as a Juryman, Constable, or Militiaman.

Of the Honorable R. U. Harwood and others; praying for the adoption of certain measures to promote the construction of a Railroad from Montreal to Lake Huron.

Of the Honorable Adam Ferrie, Chairman, and others, members of the Provisional Committee of the Canada, New Brunswick, and Nova Scotia Railway Company; praying for a grant to the said Company of a certain quantity of the waste lands of the Crown, along the proposed line of the said Railway, or elsewhere, to aid in the construction thereof.

Of the Right Reverend the Roman Catholic Bishop of Kingston and Curé of L'Assomption, and others of the County of Leinster; praying that the privilege of constructing a Toll Bridge over the River L'Assomption may be granted to A. A. Archambeault and others, as petitioned for by them.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for the abolition of Commissioners' Courts, and the re-establishment of District and Division Courts.

Of the Reverend J. D. Déziel, President, and Charles Bourget, Secretary,



on behalf of a public meeting held at Pointe Levy; and of Eucher Dion, Esquire, and others, of the Parish of St. Thomas and the Village of Montmagny, County of L'Islet; praying for the adoption of measures to promote the construction of a Railroad from Quebec to Halifax.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for the passing of an Act to explain, define, and establish the Law for the regulation of the Seigniorial Tenure of Land, and to facilitate the voluntary commutation of the said Tenure.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for the re-establishment of Parish Councils.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for certain amendments to the law establishing Registry Offices in Lower Canada.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for amendments to the Road Laws.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for the amendment or repeal of the Education Law, and the enactment of other pro-

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visions in lieu thereof.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying aid for the improvement of certain roads.

Of Joseph Vachon, Esquire, and others, of that part of the County of Dorchester formerly constituting the County of Beauce; praying for an increased Representation in Parliament, upon the basis of Population.

Of the Honorable P. M'Gill and others, Trustees of the Huron Mining Company; praying for an Act of Incorporation.

Of the Council of the Toronto Board of Trade; praying for certain amendments to the Bill for establishing a more equal and just system of Assessment in Upper Canada.

Of John Le Boutillier, Esquire, and others, of the County of Gaspé; praying for a grant of money by way of loan, to be placed at the disposal of the Agricultural Societies of the said District, for the purpose of aiding those whose grain and potato crops failed during the last season, by supplying them with seed for the coming spring.

Of Archibald Young, Chairman, and Alexander M'Intosh, Secretary, on behalf of the Port Sarnia Temperance Society; praying for certain amendments to the laws for granting beer and spirit licenses, and for the adoption of certain other measures for the suppression of intemperance.

Of the President, Directors and Company of the Commercial Bank of the Midland District,--of The City Bank,--Of David Thompson, Esquire, Stockholder and Director of the Gore Bank, on behalf thereof,--and of Joseph Wenham, Esquire, Manager of the Bank of Upper Canada at Montreal; praying to be heard by Counsel, at the bar of the House, against certain Resolutions to be proposed by the Honorable Mr. Hincks for the issuing of Debentures by the Government.

Of Messieurs Lovell and Gibson, Contractors for the Sessional Printing

of the Legislative Assembly; setting forth: That in the First Report of the Standing Committee on Printing, it is recommended that "the work done under the contract for Sessional printing shall be such only as is executed and delivered during the Session, and any printing ordered during the Session, and not so delivered, shall form a portion of the work to be performed by the contractors for the Journals and Appendix,"--this recommendation being made because "the price paid for this printing is invariably higher than for any other class, and that heretofore, in accordance with the present practice, a great proportion of the printing has been done during the recess by the contractors for, and at the price of, Sessional printing:" That the printing required for the service of the House is of two classes--the Sessional printing, and the printing of the Journals and Appendix. The former of these, for which the Petitioners tendered at the lowest rate, has by long established custom been made to embrace all work ordered during the Session, although a press of Parliamentary business has rendered it necessary to defer the printing of particular papers ordered, until the Parliament has been prorogued: That the Petitioners, from personal knowledge of this custom during the whole period in which the Parliament has been held in the City of Montreal, made their Tender in the faith that no change would be made or contemplated in the established usage, and that the Sessional printing would be interpreted as is always heretofore had been: That the Petitioners have made expensive pecuniary engagements and preparations, with the view of performing satisfactorily the service required by the House; these engagements being made previous to the announcement of the change recommended for adoption: this change, if carried into effect, will therefore be, to the Petitioners, productive of serious pecuniary loss: That it is recommended to adopt other and further changes, which the Petitioners could not foresee when tendering to perform the work, and which will materially affect their contract; but as these changes will effect a saving of expense to the House, the Petitioners cheerfully submit to their adoption: That the Petitioners are nevertheless willing, rather than that consequences so serious to them should be incurred, to perform such work as may not have been commenced during the Session, at a reduction from the rates mentioned in their Tender equal to that proposed by the contractors for the other class of printing, if to the House it appears desirable, after taking into consideration the circumstances which attend the printing during the Session, when a most expensive establishment must be retained, whether employment be or be not found, in order that when required, the necessary service may be performed; and that the Petitioners have always looked to the work to be done after the Session, as a compensation for the onerous nature of the contract, as to the work to be performed during the Session; and praying that in considering the Report of the Standing Committee of the House, the prayer of the Petitioners may meet with such favorable consideration as to the House in its wisdom and justice it may seem to merit, and that the Sessional printing may, during the present Parliament, be held to be what it has always hitherto been held to be, and what when the several Tenders were made it was believed to be, by all the parties tendering.

Of the Honorable William Hamilton Merritt and others; praying for the passing of an Act to incorporate them as the Neepigon Mining Company.

Of Thomas Fee and others, of the County of Beauharnois; praying that no division be made of the said County.

Petition of J.  
G. Rogers,  
and others;

Ordered, That the Petition of James G. Rogers and others,  
of Haldimand, Seymour, and Percy, be referred to  
the Standing Committee on Standing Orders.

Of W.H. Ander-  
son and others  
referred.

Ordered, That the Petition of W.H. Anderson, Esquire,  
and others, Stockholders and Subscribers to the  
Quebec Protestant Cemetery Association, be referred  
to the Standing Committee on Miscellaneous Pri-

uate Bills.

Petition of  
Bostwick.

Mr. Gugy moved, seconded by Mr. Brooks, and the Question being put, That the Petition of Matthew Bostwick,  
of the Town of Sherbrooke, praying for an investigation  
into the conduct of the Collector of Customs at the Port of Quebec, with reference to a certain seizure of cattle made by the Petitioner in the year 1846, be referred to a Select Committee composed of Mr. Solicitor General Blake, Mr. Solicitor General Drummond, Mr. Brooks, Mr. M'Connell, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers and records;

((There was)) a short discussion.<sup>1</sup>

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The House divided; and the names being called for, they were taken down,  
as follow:--

YEAS.

Messieurs Boulton of TORONTO, Brooks, Gugy, Malloch, and M'Connell.--(5.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Boulton of NORFOLK, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Christie, DeWitt, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Hall, Hircks, Holmes, Jobin, Johnson, Laterrière, Laurin, Lemieux, Marquis, M'Farland, Merritt, Méthot, Meyers, Morrison, Notman, Papineau, Polette,

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Robinson, Seymour, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, and Viger.--(46.)

So it passed in the Negative.

MR. CAYLEY moved that the prayer of the Petitions of J. Wenham, on behalf of the Bank of Upper Canada, Mr. Thompson, of the Gore Bank, the City Bank, and the Commercial Bank, praying that the Petitioners may be heard by Counsel at the Bar, against the passing of the Resolutions introduced by the Inspector General relative to the re-organization of the Public Debt, be granted.<sup>2</sup>

MR. NOTMAN objected to the hearing of Counsel, although he had not objection to the hearing of the Presidents of the Banks.<sup>3</sup>

The motion was put and carried.<sup>4</sup>

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Public Debt.

Ordered, That the Petition of David Thompson, Esquire,  
Stockholder and Director of the Gore Bank, on behalf  
thereof, praying to be heard by Counsel at the bar of the House, against cer-



tain Resolutions to be proposed for the issuing of Debentures by the Government, and also, the several other Petitions on the same subject, be referred to the Committee of the whole House on that part of the Speech of His Excellency the Governor General, at the opening of the present Session, which relates to giving the Government such powers as may be necessary for the reorganization of the Provincial Debt, the creation of an efficient Sinking Fund, and the alienation of works of a purely local character; and also, to certain matters connected with the said Public Debt, and the keeping of the Public Accounts.

Petition of  
the Bishop  
of Carrhae;  
Of L.Z. Nolin  
and others,  
referred.

Ordered, That the Petition of the Right Reverend the Roman Catholic Bishop of Kingston and Curé of L'Assomption; and others of the County of Leinster; and the Petition of L.Z. Nolin and others, of the Village and Parish of L'Assomption, be referred to the Standing Committee on Road and Bridge Bills.

Sixteenth  
Report of  
Committee  
on Stand-  
ing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of George D. Watson, and find that it is not of a nature to require notice.

On motion of the Honorable Mr. Cayley, seconded by Mr. Dumas,  
Public Debt.

Resolved, That the prayer of the Petitions of the President, Directors and Company of the Commercial Bank of the Midland District; of The City Bank; of David Thompson, Esquire, Stockholder and Director of the Gore Bank, on behalf thereof; and of Joseph Wenham, Esquire, Manager of the Bank of Upper Canada, at Montreal, to be heard by Counsel at the bar of the House, against certain Resolutions to be proposed for the issuing of Debentures by the Government, and also, of the several other Petitions on the same subject, be granted; and that the Clerk of this House do inform the several Petitioners that Counsel will be heard on their behalf, on Thursday next.

Petition of  
C. Cazeau  
and others.

Ordered, That the Report of the Select Committee to which was referred the Petition of Charles Cazeau and others, Cullers, of the District of Quebec, and other references, be printed for the use of the Members of this House.

Hungerford  
Side Lines Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to alter and amend certain side lines of the Township of Hungerford, in the Victoria District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Testatum  
Writs (U.C.)  
Bill.

Ordered, That Mr. Smith, of Durham, have leave to bring in a Bill to amend and extend the provisions of the Act of this Province, intituled, "An Act

to allow the issuing of Testatum Writs of Capias ad respondendum in the several District of Upper Canada, and for other purposes therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Ship-building  
Encouragement  
Bill.

Ordered, That Mr. Méthot have leave to bring in a Bill to encourage Ship-building in Lower Canada, by affording better security to persons advancing money, or furnishing work or materials for the

construction of Ships.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

Bonaventure  
Election.

Ordered, That the Entries in the Journal of this House, of the 10th, 13th, 15th, and 16th March, 1848, relating to the Petition against the sitting Member

for the County of Bonaventure, be now read.

And the same were read accordingly.

Resolved, That a Special Committee of five Members be appointed, to enquire as to whether the Seals of the Justice of the Peace and of the Judge, affixed to the Certificates attached to the Petition in the matter of the Petition against the Return of the sitting Member for the County of Bonaventure, were affixed to the said Certificates before or since the Petition was presented to this House.

Ordered, That Mr. Chauveau, Mr. Méthot, Mr. Lemieux, Mr. Christie, and Mr. Gugy, do compose the said Committee.

On motion of Mr. Notman, seconded by the Honorable Mr. Cameron, of Kent,

Magistrates  
Fees (U.C.)

Resolved, That this House do now resolve itself into a Committee to consider the expediency of regulating the Fees allowed to Magistrates in Upper Canada.

The House accordingly resolved itself into the said Committee.

Mr. Gugy took the Chair of the Committee;<sup>5</sup>

MR. NOTMAN read the bill he proposed to introduce by way of explaining its object.<sup>6</sup>

MESSRS. THOMPSON, WILSON, and H. SMITH, (Frontenac,) expressed their opinion that magistrates should receive no fees at all. It too often happened that magistrates made money out of the litigation of their neighbours, and in order to obtain these emoluments became common barrators--spending their time in stirring up disputes and getting petty charges brought before them. The tariff in this bill would make the evil ten times worse.<sup>7</sup>

MR. J. SMITH (Durham) concurred in the preceding remarks.<sup>8</sup>

MR. H. BOULTON knew that some magistrates made a living out of their office. He would move a resolution declaring that it was expedient that no

magistrates should receive more than 5s. for their services in any one case. He would prefer that they should get nothing; but this was perhaps hardly fair on the class of men from which magistrates in this country were necessarily selected.<sup>9</sup>

MR. H. SHERWOOD, (Toronto,) said it must be remembered that besides strictly public business, there were disputes between individuals which magistrates had to settle. He thought persons who put magistrates to that trouble, ought not to get their services for nothing.<sup>10</sup>

MR. FLINT mentioned a case of a magistrate in his county, (we understood,) who did not make the returns of fees to government as he was bound to do but made the parties work them out on his farm. At one quarter sessions, out of five cases tried by this gentleman, three were quashed and two were decided against him by juries.<sup>11</sup>

MR. MCCONNELL mentioned that in Lower Canada magistrates could not take fees, but were entitled to a clerk who could take them. This removed temptation from the magistrates.<sup>12</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Gagy reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again, on Thursday next.*

MR. NOTMAN ... ((expressed)) a hope that by that time, he would have succeeded in making his measure palatable to hon. members.<sup>13</sup>

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William Ireland.

*Mr. Smith, of Frontenac, moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the Return to the Address to His Excellency the Governor General, dated the 15th ultimo, for a copy of all correspondence connected with the dismissal of William Ireland, Esquire, from his situation on the Kingston and Napanee Macadamized Road, or connected with the abolition of the said situation, and laid before this House on the 27th ultimo, be referred to a Special Committee of five Members to be named by the House, to report thereon with all convenient speed; with power to send for persons, papers, and records:<sup>14</sup>*

MR. H. SMITH stated that Mr. Ireland was appointed Clerk to the Commissioner, on the Napanee Road, and continued to fill the office until the Road was taken possession of by the Board of Works, in 1847, when he was appointed to the office of Superintendent to the Road.<sup>15</sup> Mr. Ireland had £150 per annum<sup>16</sup>. Mr. Ireland was, in September 1847, removed from office<sup>17</sup> by a letter of Mr. Begley's of the Board of Works<sup>18</sup>. The reason given for Mr. Ireland's dismissal was, that, in consequence of the state of the finances of the Province, reduction in the expense of managing the Public Works was necessary<sup>19</sup> but that the Board were perfectly well satisfied with Mr. Ireland's conduct, that they would gladly employ him again if an opportunity occurred.<sup>20</sup> But he (Mr. S.) believed that the removal of Mr. Ireland took



place, not for the purpose of effecting a saving, but for the purpose of rewarding a political partisan<sup>21</sup>. Now, previous to this, a Mr. Thibodeau had been employed on the road<sup>22</sup> at the same salary,<sup>23</sup> and what he complained of was that Mr. Ireland, the old and approved officer, was discharged<sup>24</sup>. There was not a single complaint ever made against Mr. Ireland, and if it was necessary to dismiss Mr. Ireland or Mr. Thibodo, who held an inferior office under Mr. Ireland, why was not the most efficient and oldest officer retained?<sup>25</sup> Mr. Thibodeau the junior, and far less effective, officer was continued, so that there was no saving whatever. Mr. Thibodeau had the same salary as Mr. Ireland, and was now, he believed, applying for an increase.<sup>26</sup>

MR. ASST. COM. P.W. CAMERON said, that Dr. Taché had gone through the country to see what officers could be struck off the list of the servants of the Board of Works. He had advised a large number of reductions which had, in all, enabled the Government to save £7000 per annum--and this without any regard to the party or politics of the parties discharged. Mr. Thibodeau had been employed to see that the money collected was accurately accounted for. Mr. Ireland was the superintendent of the road. Their duties were altogether different. Mr. Ireland was discharged because his services were no longer required, and was told he would be again employed, if occasion occurred.<sup>27</sup> There was no feeling against Mr. Ireland.<sup>28</sup>

((There was)) a considerable discussion.<sup>29</sup>

MR. H. SMITH, of Frontenac, replied to the arguments from the ministerial benches. He believed the truth was that Mr. Thibodeau had attended the hon. Inspector General after the rupture with Lord Metcalfe, when that hon. gentleman went about the country explaining his views and trying to get up votes of confidence. He did not blame the Government for rewarding their friends; but he did blame them for doing so at the expense of efficient public servants. It was plain that there was no saving, for Mr. Ireland would have done what Mr. Thibodeau was doing, and at the same salary.<sup>30</sup>

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*The House divided:--And it passed in the Negative.*

Message from  
the Council.

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

Mr. Speaker,

*The Legislative Council have passed the following Bills, without Amendment, viz.:--*

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Montreal  
Bank Bill.

*Bill, intituled, "An Act to extend the time limited for an increase of the Capital Stock of the Bank of Montreal:"*

Emigration  
Bill.

*Bill, intituled, "An Act to repeal certain Acts therein mentioned, and to make further provision respecting Emigrants;" And also,*

Interpretation  
of Terms Bill.

*The Legislative Council have passed a Bill, intituled, "An Act for putting a Legislative Interpretation*

upon certain Terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes," to which they desire the concurrence of this House:" And also,

Official and  
Legal Notices  
Bill.

The Legislative Council have passed a Bill, intituled, "An Act to provide for the insertion of certain Official and Legal Notices in the Canada Gazette only," to which they desire the concurrence of this House.

And then he withdrew.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

Lake St. John.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to cause to be laid before this House, a copy of the Report or Reports made by Messieurs Blaiklock and Duberger on the subject of the exploration of the Territory in rear of Quebec, in the direction of Lake St. John, and also, copies of all correspondence on the subject of the opening of a Road from some point in the Counties of Quebec, Portneuf, or Montmorency, to Lake St. John, or to some point in the Saguenay Territory.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Sherwood, seconded by the Honorable Mr. Hincks,

Interest of  
Money Bill.

Ordered, That the Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, be discharged.

Ordered, That the Bill be read a second time, on Wednesday next.

Ordered, That the said Order be then the first Order of the day.

Mutual Insurance Companies  
(U.C.) Bill.

Ordered, That Mr. Stevenson have leave to bring in a Bill to amend the Act relating to Mutual Insurance Companies in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Witnesses.

The Honorable Mr. Sherwood moved, seconded by Mr. Christie, and the Question being put, That no Witness shall be paid for his or her attendance to give evidence before any Select Committee, unless the said Witness attend by order of this House, or unless a certificate from some Member of such Committee be filed with the Chairman thereof, stating that the evidence to be obtained from such Witness is, in his opinion, material and important in the investigation of the merits of the subject matter referred to such Committee, and which said certificate the said Chairman is hereby required to file with the Clerk of this House

before any such Witness shall be entitled to payment for his attendance; and when the Chairman gives his certificate he shall file the same with the said Clerk before any Witness can be paid as aforesaid;

The House divided:--And it was resolved in the Affirmative.

On motion of Mr. Christie, seconded by Mr. Malloch,

Trinity  
Houses.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Copy of a Letter (precise date unknown) addressed in the year 1839 or 1840, to His Excellency the Right Honorable C. Poulett Thomson, then Governor General, by the Colonial Secretary, relating to the Trinity Houses of Quebec and Montreal, and any Answer which may have been made to the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Lemieux, seconded by Mr. Davignon,

Seignioriness of  
Lauzon.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to be pleased to direct the proper officer to lay before this House, a detailed Statement of the monies annually received and paid by the Agent of the Seignioriness of Lauzon, from the period at which the Crown became the proprietor thereof, to the 20th December last, shewing the annual amount proceeding from the lods et ventes, cens et rentes, mill leases, lands, and other property within the said Seignioriness; and also, a Statement shewing the amount of cens et rentes demandable and payable annually in each Parish of the said Seignioriness of Lauzon; the number and description of the mills in the said Seignioriness; whether any, and which, of the said mills have been repaired; what amount of money has been expended in repairing the said mills; by whose order and under whose superintendence these repairs have been made, and how the expense of these repairs have been defrayed; under whose superintendence and agency the said mills have been since the Crown became proprietor of the said Seignioriness of Lauzon, and under whose superintendence and agency the said mills are at present; in what order and condition the said mills and other buildings now are; how many and which of the said mills are under lease; what are the dates and nature of the said leases; the names of the securities thereto; the amount of the annual rental for each mill lease, and when payable; whether any arrears of rent are due, to what amount, and by whom; and finally, the annual amount of monies received and paid by the late Commissioner or Agent of the said Seignioriness of Lauzon up to the time at which he ceased to act as such, shewing the source from which the said revenues are derived.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Merritt, seconded by Mr. Solicitor General Blake,



Official and  
Legal Notices  
Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the insertion of certain Official and Legal Notices in the Canada Gazette only," be now read the

first time.

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, to-morrow.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Solicitor General Blake,

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Interpretation  
of Terms Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act for putting a Legislative Interpretation upon certain Terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes," be now read the first time.

And the Bill was read the first time.

Ordered, That the said Bill be read a second time, to-morrow.

Government  
Claimants.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 7th instant,--Extract of a Despatch from Lord Stanley to Lord Metcalfe, dated Downing Street, 3rd September, 1845:

"The Bill, intituled, "An Act to provide a legal recourse to Her Majesty's subjects in this Province having legal or just claims upon the Executive Government thereof, and to enable Her Majesty the more effectually to do justice in such cases," is a measure for which the Law of England affords no precedent and no analogy. The remedy which it gives against the Crown is far more extensive than the now obsolete proceeding of Petition of Right. It reduces the Crown as nearly as possible to the level of the subject in private litigation, and (if reliance may be placed on such a subject on the judgment of the highest legal authorities to which I have access) the subordinate details of the Bill are ill adapted to promote the objects of the Legislature.

"The preceding considerations compel me to pause in advising the Queen to ratify and finally enact this Bill. On the other hand, the weight of Your Lordship's authority, and the concurrent opinions of your legal advisers, and of the two Houses of the Provincial Legislature in favor of the measure, unavoidably create in my mind the strongest possible repugnance to advise the Queen to withhold Her assent, if consistently with my public duty I may abstain from submitting to Her Majesty that advice.

"I should therefore wish that Your Lordship would resume the consideration of the subject, and report to me, first, whether there is really any cause to apprehend either that this Bill would be ineffectual to its purpose, or that it would denude the Crown of any Prerogative, the maintenance of which is requisite either for the honor of the Crown, or for the general benefit of Her Majesty's Canadian subjects.

"On the receipt of such a report, but not till then, Her Majesty's decision on this Bill will be taken."

Longueuil and  
Chambly Turn-  
pike Bill.

Mr. Bell reported the Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road Company; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Registry Laws  
(U.C.) Bill.

The Order of the Day for the second reading of the Bill to amend the Registry Laws of Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Smith, of Frontenac, the Honorable Mr. Macdonald, Mr. Morrison, Mr. Richards, the Honorable Mr. Boulton, Mr. Meyers, and Mr. Smith, of Durham, to report thereon with all convenient speed.

Limited Part-  
nerships Bill  
(U.C.)

The Order of the day for the second reading of the Bill to authorize limited Partnerships in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday, the twenty-first instant.

Waterloo  
Election.

Mr. Speaker laid before the House, the Return made by the Sheriff of the Wellington District to the Order of this House, of the 8th February last, transmitting to him Summonses for service on the Deputy Returning Officers for the Townships of Waterloo, Holland, Sullivan, and Arthur, at the last Election for the County of Waterloo, to appear at the bar of the House, this day.

And it appearing by the said Return, that John Miller, the Deputy Returning Officer for the Township of Holland, had wilfully evaded the service of the Summons of the Honorable The Speaker of this House;<sup>31</sup>

MR. NOTMAN stated that Richard Jones Williams, of the Township of Sullivan, could not come down for want of means. Another, John McIntosh, from the Township of Arthur, could not bear the journey from bodily infirmities, and that he had acted honestly. Another, James Wilson, from the Township of Waterloo, would shortly appear. Another, John Millar, from the Township of Holland, they had not heard of, and who had evaded the service of the Summons.<sup>32</sup> The other three had sent down petitions, praying that their attendance might not be enforced at this moment, and he was prepared to drop proceedings with regard to them for the present; but he should move that a fresh summons should be issued for service on John Miller.<sup>33</sup>

MR. MORIN the Speaker suggested that a warrant should be issued for his apprehension.<sup>34</sup>

MR. NOTMAN moved that the Speaker's Warrant do issue for the apprehension of John Millar.<sup>35</sup>

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On motion of Mr. Notman, seconded by the Honorable Mr. Boulton,

Resolved, That John Miller, late Deputy Returning Officer for the Township of Holland, at the last Election for the County of Waterloo, having wilfully evaded service of the Summons of the Honorable Mr. Speaker,

bearing date the 8th day of February last, requiring his attendance at the bar of this House, on Monday the 12th day of March, instant, to answer for his conduct as such Deputy Returning Officer, Mr. Speaker do issue his Warrant for the apprehension of the said John Miller, to be forthwith brought to the bar of this House, to answer for his conduct as such Deputy Returning Officer as aforesaid, and that the same be directed to the Serjeant at Arms, or his Deputy, for execution.

Bill requiring  
Mortgages to  
be filed.

The Order of the day for the second reading of the Bill requiring Mortgages of personal property in Upper Canada to be filed, being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-second instant.

Huron Copper  
Bay Company  
Bill.

The Order of the day for the second reading of the Bill to incorporate the Huron Copper Bay Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Thompson's  
Relief Bill.

The Order of the day for the second reading of the Bill for the relief of Joseph Richard Thompson, being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-second day of March, instant.

Bill respect-  
ing Aprons  
to Mill Dams.

The Order of the day for the House in Committee on the Bill to repeal the several Laws now in force in Upper Canada regulating the construction of Aprons to Mill Dams, and to make provision for better defin-

ing the mode of construction the same, being read;

The House accordingly resolved itself into the said Committee.

Mr. Crysler took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Crysler reported, that the Committee had made some progress, and directed him to move for leave to sit again.

And the Question being put, That the Committee have leave to sit again:-- It passed in the Negative.

Resolved, That the said Bill be referred to a Select Committee composed of the Honorable Mr. Boulton, Mr. Thompson, Mr. Flint, Mr. Smith, of Durham, and Mr. Wilson, to report thereon with all convenient speed.

Pilots Appren-  
tices Bill.

The Order of the day for the House in Committee on the Bill to compel Pilots' Apprentices to qualify themselves to pilot vessels by the north channel of the River St. Lawrence, below the Island of Orleans, and to oblige the

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Trinity House of Quebec to lay down buoys to mark the shoals in the said channel, and to facilitate the traverse from the south to the north, from Isle aux Reaux to Cap Tourmente, being read;



DR. LATERRIERE ((moved)) the House ... into Committee for the consideration of means to render this channel navigable, by the establishment of buoys.<sup>36</sup>

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*The House accordingly resolved itself into the said Committee.*

*Mr. Lyon took the Chair of the Committee;*

MR. SOL. GEN. DRUMMOND desired the hon. member to defer his Bill, as the Government had a Bill under consideration, which could meet the greater part of the provisions of the Bill of the hon. member.<sup>37</sup>

MR. DEWITT thought the North Channel was very little known, and that it was of importance to look into it.<sup>38</sup>

MR. ARMSTRONG knew that the hon. gentleman (Dr. L.) had got the best information. Vessels did not come by that way, because Pilots did not know the Channel. He was of opinion that it would be better for trade if the South Channel was laid aside altogether.<sup>39</sup>

MR. SOL. GEN. DRUMMOND wanted the measure suspended.<sup>40</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Lyon reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again, on Monday next.*

Protested Bills  
of Exchange Bill.

*The Order of the day for the second reading of the Bill to regulate and make uniform the rates of damages on Protested Bills of Exchange in this Pro-*

*vince, being read;*

*The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof.*

Petit Jurors  
(U.C.) Bill.

*The Order of the day for the second reading of the Bill to limit the number of Petit Jurors to be summoned to attend the several Courts in Upper Can-*

*ada, and to provide for the payment of them, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Writs of Exe-  
cution Bill.

*The Order of the day for the second reading of the Bill to extend the remedy by Writs of Execution, being read;*

*Ordered, That the Bill be read a second time, on Wednesday next.*

Bill relating  
to Mortgagers  
and Mortgagees.  
(U.C.)

*The Order of the day for the second reading of the Bill to provide for the Sale under Execution of the interest of Mortgagers and Mortgagees in real estate in Upper Canada, being read;*

*The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend the Registry Laws of Upper Canada.*

City of Kingston  
Incorporation  
Bill.

The Order of the day for the second reading of the Bill to amend the Act to incorporate the Town of Kingston as a City, and to enlarge the limits of the said City, being read;

Ordered, That the Bill be read a second time, on Monday next.

Weights and  
Measures Bill.

The Order of the day for the second reading of the Bill to amend the several Laws therein mentioned relative to the appointment and duties of Inspectors of Weights and Measures in Upper Canada, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. DeWitt took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. DeWitt reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Thursday next.

St. Andrew's  
Church Bill.

The Order of the day for the second reading of the Bill to incorporate "The Minister and Trustees of St. Andrew's Church, Montreal," being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Holmes, Mr. Morrison, Mr. Nelson, Mr. Notman, and the Honorable Mr. Badgley, to report thereon with all convenient speed.

Saguenay Mun-  
icipal Council  
Bill.

The Order of the day for the second reading of the Bill to authorize the inhabitant householders holding lands in the new Settlements on the borders of the Saguenay, forming the Second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Niagara  
District  
Town Bill.

The Order of the day for the second reading of the Bill to remove the site of the District Town of the District of Niagara, to Port Robinson in the Township of Thorold, in the County of Welland, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Dower Bill.

The Order of the day for the second reading of the Bill to amend the Law and facilitate proceedings in Actions of Dower in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

Primeaux and  
Trottier's  
Bridge Bill.

The Order of the day for the second reading of the Bill to authorize Marc Antoine Primeaux and Antoine A. Trottier to erect a Toll Bridge over the

River Chateauguay, in the Parish of Ste. Martine, and to make a Plank Road from the River St. Lawrence to the River Chateauguay, in the said Parish, and to fix the Tolls to be taken upon the said Bridge and Road, and to make further provision in that behalf, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Electro Magne-  
tic Telegraphs  
Bill.

The Order of the day for the second reading of the Bill to regulate the construction of, and to protect from injury, Electro-Magnetic Telegraphs in this Province, being read;

Ordered, That the Bill be read a second time, on Thursday next.

St. Anselme  
Bridge Com-  
pany Bill.

The Order of the day for the second reading of the Bill to authorize Jean Clovis Bélanger, Esquire, and others, to erect a Toll Bridge over the River Etchemin, in the Parish of St. Anselme, near the Church of the said Parish, in the County of Dorchester, and to incorporate the said Jean Clovis Bélanger and others, under the name of the "St. Anselme Bridge Company," and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time, on Monday next.

Sault Ste.  
Marie Mining  
Company Bill.

The Order of the day for the second reading of the Bill to incorporate "The Sault Sainte Marie Mining Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Adjournment.

Mr. M'Farland moved, seconded by Mr. Solicitor General Blake, and the Question being put, That the

House do now adjourn;

The House divided:--And it passed in the Negative.

Absconding  
Debtors Pro-  
perty Bill.

The Order of the day for the second reading of the Bill to reduce the expenses of proceedings in Upper Canada, against the property of absconding of concealed Debtors, being read;

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The Bill was accordingly read a second time; and ordered to be engrossed.

Cullers Act  
Amendment  
Bill.

The Order of the day for the second reading of the Bill to amend the Act passed in the eighth year of Her Majesty's reign, chapter forty-nine, intituled, "An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned," being read;

Ordered, That the Bill be read a second time, on Thursday next.

Bathurst  
Boundary  
Line Bill.

The Order of the day for the second reading of the Bill to define the southern boundary of the Bathurst District, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.



Mutual and  
General In-  
surance Bill.

The Order of the day for the second reading of the Bill to incorporate the Provincial Mutual and General Insurance Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Medical Pro-  
fession (U.C.)  
Bill.

The Order of the day for the second reading of the Bill to incorporate the Members of the Medical Profession in Upper Canada, and to regulate the study and practise of Physic and Surgery therein,

being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Militia Act  
Amendment  
Bill.

The Order of the day for the second reading of the Bill to repeal part of and to amend the Act regulating the Militia of this Province, in so far as regards the enrolment of and fines imposed upon

Quakers, Menonists, and Tunkers, being read;

Ordered, That the Bill be read a second time, on Friday next.

Personal Pro-  
perty Attach-  
ment Bill (U.C.)

The Order of the day for the second reading of the Bill to authorize Attachments against personal property for sums of Ten pounds and under, in certain cases in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday next.

Manufactories  
Bill.

The Order of the day for the second reading of the Bill to enable the British American Land Company to promote and establish Manufactories in the Eastern

Townships of Canada, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Lotbinière  
Municipal-  
ities Bill.

The Order of the day for the second reading of the Bill to divide the County of Lotbinière into two Municipalities, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved into the said Committee; and after some time spent therein,

Mr. Cartier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cartier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Cartier reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with amendments, be engrossed.

Hallowell and  
Sophiasburgh  
Boundary Line  
Bill.

The Order of the day for the second reading of the Bill to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Stevenson, the Honorable Mr. Boulton, Mr. Flint, Mr. Seymour, and Mr. Bell, to report thereon with all convenient speed.

Toronto and  
Lake Huron  
Railroad Act  
Amendment  
Bill.

The Order of the day for the second reading of the Bill to amend the Toronto and Lake Huron Railroad Act, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Hamilton Incorporation Bill.

The Order of the day for the second reading of the Bill to establish a more efficient system of Police and Municipal Government in the City of Hamilton, and to extend the limits of the said City, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Dundas and  
Waterloo  
Road Bill.

The Order of the day for the second reading of the Bill to amend the Dundas and Waterloo Macadamized Road Act, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Wesleyan  
Methodist  
Church Bill.

The Order of the day for the second reading of the Bill to enable the Trustees of Churches and Parsonages, and other Trusts, belonging to the Wesleyan Methodist Church in Canada, more conveniently to

manage and dispose of their Estates, and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Rimouski Municipality No. 1  
Bill.

The Order of the day for the second reading of the Bill to remove the Seat of the Municipality Number One, of the County of Rimouski, from St. Patrice de la Rivière du Loup to St. Jean Baptiste de L'Isle

Verte, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Malloch took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Montreal New  
City Gas Com-  
pany Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Lachine Rail-  
road Charter  
Extension Bill.

The Order of the day for the second reading of the Bill to extend the Charter of the Montreal and Lachine Railroad Company, to authorize them to continue the said Railroad, and for the incorporation

of the Saint Lawrence and Ottawa Grand Junction Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroad and Telegraph Line Bills.

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Grand River  
Navigation  
Company Bill.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Grand River Navigation Company, being read;

Ordered, That the Bill be read a second time, on Friday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Davignon, The House adjourned.



FOOTNOTES: 12 MARCH 1849.

1. PILOT, 14 March 1849.
2. MONTREAL GAZETTE, 12 March 1849.
3. IBID.
4. IBID.
5. This matter was reported by: MONTREAL GAZETTE, 14 March 1849; and PILOT, 14 March 1849, and GLOBE, 21 March 1849, in identical accounts. The GLOBE will be used instead of the PILOT.
6. GLOBE, 21 March 1849.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The debate on this motion was reported by: MONTREAL GAZETTE, 14 March 1849; and PILOT, 14 March 1849, and GLOBE, 21 March 1849, in identical accounts.
15. MONTREAL GAZETTE, 14 March 1849.
16. PILOT, 14 March 1849.
17. MONTREAL GAZETTE, 14 March 1849.
18. PILOT, 14 March 1849.
19. MONTREAL GAZETTE, 14 March 1849.
20. PILOT, 14 March 1849.
21. MONTREAL GAZETTE, 14 March 1849.
22. PILOT, 14 March 1849.
23. MONTREAL GAZETTE, 14 March 1849.
24. PILOT, 14 March 1849.
25. MONTREAL GAZETTE, 14 March 1849.
26. PILOT, 14 March 1849.
27. IBID.
28. MONTREAL GAZETTE, 14 March 1849.
29. PILOT, 14 March 1849.
30. IBID.
31. This matter was reported by: PILOT, 14 March 1849, MORNING CHRONICLE, 14 March 1849, BRITISH COLONIST, 19 March 1849, HAMILTON SPECTATOR, 17 March 1849, PROVINCIALIST, 19 March 1849, and PRINCE EDWARD GAZETTE, 23 March 1849, in identical accounts; and MONTREAL GAZETTE, 14 March 1849.
32. MONTREAL GAZETTE, 14 March 1849.
33. PILOT, 14 March 1849.
34. IBID.
35. MONTREAL GAZETTE, 14 March 1849.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.

TUESDAY, 13 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Lemieux,--The Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Parish Councils); the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Representation); the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Schools); the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Registry Laws); the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (aid for Roads); the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Road Laws); and the Petition of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester (Seigniorial Tenure.)

By Mr. Davignon,--The Petition of R. B. Hatt, Esquire, and others, the Mayor and Councillors of the Village of the Canton of Chambly; and the Petition of E. P. Christie and others, of the Seigniories of Bleury, Sabrevois, and Nayau.

By Mr. Dickson,--The Petition of Adam Timmerman and others, of the Township of Clinton, District of Niagara; the Petition of Abisha Morse and others, of the Townships of Grimsby, Gainsborough, and Caistor, in the District of Niagara; the Petition of John Dobbie and others, of the Township of Willoughby, District of Niagara; the Petition of Peter B. Clement and others, of the Town and Township of Niagara; the Petition of James Oswald and others, of the Township of Stamford, District of Niagara; the Petition of George Secord and others, of the Township of Gainsborough; the Petition of Isaac Johnson and others, of the Township of Bertie, District of Niagara; the Petition of Charles Neall and others, of the Township of Niagara, in the District of Niagara; the Petition of William Duff and others, of the Town of Queenston; the Petition of Arthur Shaw and others, of the Township of Niagara, District of Niagara; the Petition of J. E. Jennings and others, of the Township of Louth, District of Niagara; the Petition of W. Kingsmill, Esquire, Sheriff, and others, of the Town of Niagara; the Petition of John Root and others, of the Township of Sherbrooke, District of Niagara; the Petition of William T. Burke and others, of the Township of Canborough, District of Niagara; the Petition of Henry Smith and others, of the Township of Grimsby, District of Niagara; the Petition of George Walker and others, of the Township of Cayuga, District of Niagara; the Petition of George Jamison and others, of the Township of Moulton, District of Niagara; and the Petition of W. B. Shean and others, of the Township of Dunn, District of Niagara.

By Mr. Christie,--The Petition of A. Campbell, Esquire, and others, Merchants, Ship Owners, and others interested in the Trade of Quebec.

By Mr. M'Connell,--The Petition L. K. Benton and others, of Stanstead,

in the County of Stanstead.

By Mr. Bell,--The Petition of James Easson and others, of Perth.

By Mr. Chabot,--The Petition of the Mayor and Citizens of Quebec (Intemperance).

By Mr. Brooks,--The Petition of William Smith and others, of the Township of Brompton, Canada East.

Lotbinière  
Municipal-  
ities Bill.

An engrossed Bill to divide the County of Lotbinière into two Municipalities, was read the third time.  
Resolved, That the Bill do pass.

Ordered, That Mr. Laurin do carry the Bill to the Legislative Council, and desire their concurrence.

Bathurst  
Boundary  
Line Bill.

An engrossed Bill to define the southern boundary of the Bathurst District, was read the third time.  
Resolved, That the Bill do pass, and the Title be,

"An Act to define the boundary between the Districts of Bathurst and Johnston."

Ordered, That Mr. Bell do carry the Bill to the Legislative Council, and desire their concurrence.

Absconding  
Debtors  
Property  
Bill.

An engrossed Bill to reduce the expenses of proceedings in Upper Canada, against the property of absconding or concealed Debtors, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to reduce the expense of proceedings in Upper Canada, against the property of absconding or concealed Debtors."

Ordered, That Mr. Smith, of Durham, do carry the Bill to the Legislative Council, and desire their concurrence.

Longueuil and  
Chambly Turn-  
pike Road Bill.

An engrossed Bill to amend the Ordinance relating to the Longueuil and Chambly Turnpike Road, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Davignon do carry the Bill to the Legislative Council, and desire their concurrence.

Commutation  
of Tenure Bill.

Mr. Christie reported from the Select Committee on the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the better to facilitate optional commutation of tenure of lands en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier," That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

J. Yule's Mill  
Dam Bill.

Ordered, That Mr. Beaubien have leave to bring in a Bill to authorize John Yule, the younger,



Esquire, and others, to erect a Mill Dam upon the River Richelieu, in the District of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Pères Oblats  
Bill.

Ordered, That Mr. Beaubien have leave to bring in a Bill to incorporate "Les Révérends Pères Oblats de l'Immaculée Conception de Marie," in the Pro-

vince of Canada.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Court of  
Chancery  
(U.C.) Bill.

Ordered, That Mr. Solicitor General Blake have leave to bring in a Bill for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.<sup>1</sup>

Superior  
Criminal  
Court, and  
Court of  
Error and  
Appeal  
(U.C.) Bill.

Ordered, That Mr. Solicitor General Blake have leave to bring in a Bill to make further provision for the Administration of Justice, by the establishment of a Superior Criminal Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Law of Evi-  
dence (U.C.)  
Bill.

Ordered, That Mr. Solicitor General Blake have leave to bring in a Bill to improve the Law of Evidence in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to  
Actions upon  
Foreign Judgments.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to authorize Defendants to make full defence in certain cases in Actions upon foreign Judgments.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Merritt, seconded by Mr. Thompson,

Niagara Falls  
Suspension  
Bridge Bill.

Ordered, That the 66th Rule of this House be suspended, so far as it affects the Petition of the Niagara Falls Suspension Bridge Company, praying that the

Capital Stock of the said Company be reduced.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to amend the Act incorporating the Niagara Falls Suspension Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Railroad and  
Telegraph  
Line Bills.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the Honorable Mr. Robinson be added to the Standing Committee on Railroad and Telegraph Line Bills, in the place of Mr. Prince absent on leave from this House.

Mr. Thompson moved in amendment to the Question, seconded by Mr. M'Farland, That the words "the Honorable Mr. Robinson" be left out, and the words "this House do name one Member to" inserted instead thereof;

And the Question being put on the Amendment: the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Holmes, Jobin, Johnson, Laterrière, Laurin, Lyon, Marquis, M'Farland, Merritt, Méthot, Notman, Papi-neau, Polette, Price, Richards, Scott of TWO MOUNTAINS, Taché, and Thompson.-- (33.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of TORONTO, Brooks, Cayley, Christie, Crysler, Dickson, Egan, Fergusson, Flint, Gagy, Hall, Hincks, Attorney General LaFontaine, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Meyers, Morrison, Robinson, Seymour, Sherwood of TORONTO, Stevenson, Viger, and Wilson.--(29.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That this House do name one Member to be added to the Standing Committee on Railroad and Telegraph Line Bills, in the place of Mr. Prince absent on leave from this House.

Ordered, That Mr. Taché be added to the said Committee.

Ontario Marine  
and Fire Insur-  
ance Company  
Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Ontario Marine and Fire Insurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Clergy  
Reserves.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 22d ultimo, praying that His Excellency would be pleased to cause to be laid before them, copies of all correspondence relative to the placing an

of twenty-five per cent, by the Government, on the appraised value of the Clergy Reserves in that part of this Province formerly Upper Canada.

Appendix  
(N.N.N.)

For the said Return, see Appendix (N.N.N.)

Ordered, That the said Return be printed for the use of the Members of this House.

Petition of  
Lovell and  
Gibson.

Ordered, That the Petition of Messieurs Lovell and Gibson, Contractors for the Sessional Printing of the Legislative Assembly, be referred to the Committee of the whole House on the First Report of the Standing Committee on Printing.

Quarantine  
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Quarantine Act," was, according to Order, read a second time.

Ordered, That the Bill be read the third time, to-morrow.

Election Bill.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read;

The House accordingly resolved itself into the said Committee.

Mr. Cauchon took the Chair of the Committee;<sup>2</sup>

The first section was adopted without any discussion.<sup>3</sup>

The second clause, providing for the appointment of Returning-Officers in Lower Canada ... ((was)) read<sup>4</sup>.

MR. PAPINEAU rose, and<sup>5</sup> again opposed the progress of the bill on the same ground as in its previous stages, viz., because the Returning Officers, under its provisions, are to be ex officio, the Sheriffs, Registrars, and other officers named by the Crown for other purposes.<sup>6</sup> ((He)) protested against it as being inimical to all principles of morality. Sheriffs, who were officers of justice, might not to be taken from their duties and made to interfere in the agitation of elections. By appointing officers who were dependent on the Ministry it would induce Returning-Officers to act in a partial manner in favor of the party in power, from fear of losing their office.<sup>7</sup> This would degrade the representation, and increase in a most unjust manner the patronage and influence of the Administration.<sup>8</sup> He would move an amendment, providing that the people at the Municipal Elections, at the same time that they elected their Municipal Officers, elected a Returning-Officer and Deputy Returning-Officer, to provide at all elections for members to serve in the Legislative Assembly during the year for which they were elected, and providing that in the event of an election taking place towards the end of the year, the election should be completed by the person who commenced it, and that in the event of the sickness or other absence from the Province of the Returning-Officer, the Deputy-Returning-Officer should perform the duties of the Returning Officer, and in the event of the absence, sickness or death of both, then the Government might appoint such person Returning-Officer as it



saw fit.<sup>9</sup> This protest would suffice to bring the subject before the people, and enable them to judge of a Government which sought to concentrate all power in the hands of the Executive.<sup>10</sup>

MR. LAURIN seconded Mr. Papineau's amendment.<sup>11</sup>

DR. DAVIGNON.--Si nous ériions (sic) en 33<sup>12</sup> la proposition de l'hon. membre pour St. Maurice pourrait être acceptée; mais les choses ont changé depuis ce temps. Il est bien vrai que les officiers-rapporteurs seront d'après le bill dépendants de l'administration, mais l'administration elle-même étant dépendante de la chambre et la chambre dépendante du peuple, ils se trouveront indirectement dépendants du peuple. Il est tout probable que le choix serait meilleur par le mode pourvu dans le bill, que par l'élection populaire. D'ailleurs ça ferait une complication d'élections qui donnerait plus de trouble au peuple et entraînerait vraisemblablement plus de dépenses pour le pays.<sup>13</sup>

MR. AT. GEN. LAFONTAINE.--On devait s'attendre à cette opposition de la part de l'hon. membre pour le comté de St. Maurice qui ne veut voir que démoralisation et corruption dans tous les actes du ministère. Mais si c'est un système démoralisateur et dégradant que de laisser à l'exécutif le contrôle et la nomination des officiers-rapporteurs, le pays a dû être démoralisé et avili depuis 1792, car depuis ce temps jusqu'aujourd'hui ce contrôle lui a été laissé, bien que cet exécutif ne fut pas dépendant de peuple et responsable à lui comme il l'est aujourd'hui. Le démoralisation pouvait être exercée sur un bien plus grand pied, et cependant l'hon. membre ne s'en est aperçu qu'aujourd'hui, au moment où on veut opérer une réforme. Il vient arrêter le progrès de la mesure par des modifications imparfaites basées sur des suppositions. Il craint l'extension du patronage du ministère, mais confier ces fonctions à des officiers qui sont déjà sous son patronage, est-ce étendre ou concentrer ce patronage?--L'amendement de l'hon. membre est fondé sur un principe égoïste; puisqu'il veut accorder la franchise électorale de cette manière, pourquoi ne pas l'accorder au Haut-Canada aussi bien qu'au Bas? L'amendement ne pourvoit pas au remplacement des officiers dans les cas de maladie et une foule d'autres cas dans lesquels l'intervention du gouvernement serait nécessaire. La nomination d'un officier-rapporteur en chef resterait toujours à la disposition de l'exécutif, et ainsi la démoralisation est inévitable, elle existera toujours! Que l'on invoque l'expérience du passé la-dessus. Quels sont les officiers-rapporteurs qui ont agi avec plus de justice? Sont-ce ceux qui n'avaient rien à perdre en manquant à leurs devoirs envers le peuple? Non, ce sont ceux qui, comme les shérifs &c., tiennent des places à volonté! Ils savent qu'en négligeant le devoir qui leur est confié, ils ont quelque chose à perdre, et cette considération les tiendra dans le respect des lois et la stricte justice. Voilà une forte garantie, aujourd'hui que les places sont conservées durant bonne conduite. La chambre a donné durant cette session un exemple salubre qui ne devra pas être oublié de sitôt. Une autre garantie pour la bonne conduite des officiers-rapporteurs à l'avenir, c'est qu'ils seront permanents, et par conséquent pourront et devront étudier la loi d'une manière efficace et ne pourront pas prétexter de leur ignorance. Où serait la démoralisation? Elle n'existe que dans l'imagination de l'hon. membre pour St. Maurice. Nous n'avons jamais eu de cas de cette démoralisation dans le Bas-Canada et jusqu'ici l'exécutif a nommé les officiers-rapporteurs.--D'ailleurs le projet de l'hon. membre est

impraticable, il a supposé un rouage qui n'existe pas et il tend à faire une complication inutile qui n'aurait pas l'effet qu'il désire.<sup>14</sup>

MR. SOL. GEN. DRUMMOND said that the hon. member for St. Maurice had, as he understood, commented on his (Mr. D.'s) objection to the appointment of a Returning Officer by the late Government, because he held an office under the Crown. He (Mr. D.) had, at one time a very strong objection to the appointment of any person as Returning Officer who held a public situation of any kind, but he was always ready to yield his own opinions to argument and sound reasoning, and he had heard arguments used in favour of the bill of his hon. friend which had compelled him to change his opinions in that respect. Besides it should be borne in mind that such an objection cannot have the same force since the introduction of Responsible Government, which places the Executive under the control of the house. If anything was wasted to shew the house its own power to punish offenders, they had a very strong proof in the punishment lately inflicted on an individual who had acted improperly. It was remarkable, that although the hon. member for St. Maurice was of opinion, the last time he spoke on this subject, that the house had no power to appoint the Returning Officers, he should propose, by the amendment then before the House to give the people the power of electing that functionary. The hon. member had hitherto contented himself with assailing everything and proposing nothing, and he was therefore happy to see him come forward at last with a written proposition. But if he were to judge from it, of the kind of constitution which that hon. gentleman would give the country, he (Mr. D.) would be sorry to have to live under a constitution of his drawing up. Every person knew that in every country, there were several Returning Officers, or Deputy Returning Officers required, and yet the hon. gentleman, by his amendment proposed to give the people the power of electing a single Returning Officer! It would be necessary for them also to bestow on him the power of ubiquity possessed by the Irishman's bird, in order to enable him to discharge his duty in some ten or fifteen different places at once. According to the wording of the amendment, it was to have force and effect in Lower Canada only. If it were passed, it would no doubt be as well to extend it to Upper Canada; but he looked upon it as an impracticable resolution and hoped it would not pass.<sup>15</sup>

MR. PAPINEAU said that in the clause before the House, there was nothing in reference to Upper Canada. Upper Canada members could apply the principle themselves, if they approved of it. He denied that he had said the country would be demoralized by the Bill. He said that the choice which would be made by Ministers of Returning Officers would be demoralizing. He contended that this was the first time that any constitutional Government sought to associate the administrative and legislative functions. In England, the Returning Officers were chosen by the people. The hon. members then defended the form of his amendment from the technical objections alleged against it. He thought if the electors chose their own legislators, they might choose their own Returning Officers. In the old House of Assembly, there were very few complaints of Returning Officers, because the House was independent. It was now drawn in the wake of the Ministry, by which, if there were corruption, the corruption would have been effected. The present constitution of the country concentrated and heaped up all power in the hands of half a dozen people. The law was therefore far more restrictive, as regarded the people, than it

heretofore was, and should be watched therefore with more vigilance.<sup>16</sup>

MR. CHABOT said, the hon. gentleman thought this principle was calculated to produce demoralizing effects. How was it then that among the thousands of remedies that he proposed while he sat so long as Speaker and Master of the House,--how was it he proposed no remedy for this evil? It was clear this bill would reduce the power of the Executive. Now they could name any man--the most dependent. Now this patronage would be restrained; and the public officers to whom the duty would be confided would be independent, because they knew they would not be discharged so long as they did their duty. The amendment was so put together as to be utterly unintelligible and impracticable. For the principle, he would prefer it, if it could be carried out; but it would be most unjust to insist upon a man serving as Returning Officer, who might neither be able to read or write; yet such persons might be chosen to carry out a duty, for which it was necessary to be able to understand and construe a voluminous law. The country is not far enough advanced at present for such a system.<sup>17</sup>

MR. BADGLEY thought the question they had to decide upon was whether the persons called to perform the duties of Returning Officers were to be appointed by the Crown, to be elected by the people or taken from some order of persons known beforehand, and subject neither to popular nor governmental influence; he did not think it was the terms of the amendment they were called to consider. It had been objected that the hon. Member for St. Maurice had restricted his amendment to Lower Canada; he (Mr. B.) thought that joint legislation had not been hitherto much in favour with the hon. gentlemen opposite.<sup>18</sup>

MR. SOL. GEN. DRUMMOND said the hon. Member must recollect that when he opposed joint Legislation for the two sections of the Province, he especially excepted general measures, regulating the administration of justice, commerce, &c.<sup>19</sup>

MR. BADGLEY was merely speaking of the general principle of joint Legislation which did not seem to be much in favour on the other sides of the ... House, but he thought that in measures of this importance affecting the representation of the whole Province, joint Legislation was absolutely necessary, and he thought the country was very much indebted to the hon. gentlemen opposite for framing this bill, which except on one or two points he thought a very well digested and well got up bill; but the question was whether these Returning Officers, in whose hands the representation of the country was to be placed, were to be individuals selected by the people themselves, or those independent both of governmental and popular influence? He thought the selection that had been made, the best that could be made. He did not think that at present it would answer for officers of this description to be elected by Municipal Corporations, he was not in favour of the application of the popular suffrage to Ministerial officers; they ought to be to a certain extent uninfluenced by the popular suffrage. He thought therefore the Sheriffs in cities and the Registrars in Counties appointed by this bill would be the most eligible and the only eligible officers that we now have in L.C. to carry out an electoral system throughout the Province. He agreed with the opinion of the hon. Att. Gen. East, and should oppose the amendment.<sup>20</sup>

MR. H. SHERWOOD had paid great attention to this bill as it related to



Upper Canada, and considered it a very excellent measure. He should oppose the amendment, although it only applied to Lower Canada, because he objected to the principle contained in it; while he thought it was prudent on the part of the Legislature at the suggestion of the Government, to take out of the hands of the Executive Government the appointment of Returning Officers at elections, so as to prevent the appointment of creatures of their own to accomplish their own purpose, and place it in the hands of public officers who would be uninfluenced by any party. It appeared to be an excellent proposition, and one which ought to meet with the support of the representatives of the people. But whilst he desired to take the power out of the control of the Government, he should be sorry to run into the opposite extreme, and place it in the hands of the Municipal Corporations to appoint officers emanating directly from the people. Returning Officers should, like Judges, be entirely independent of the Government as well as the people, if it was possible to make them so, for they had a political as well as a ministerial duty to perform. With regard to Upper Canada, the County Registrars did not hold their places at the pleasure of the Executive Government--they held their places unless convicted of mal-practices in the performance of their duty; and even then another could be appointed, unless the attention of Government was called to the vacancy by the Magistrates to Quarter Sessions assembled. He thought, therefore, the Registrars were the best persons who could have been selected, as being most likely to act independently both of Government and popular influence. But whilst approving of the bill as a general measure, there were two or three clauses to which he objected, and to which he would probably move amendments. As far as he (Mr. S.) understood it, the spirit both of our Legislation and of that in England had been to shorten as far as possible the time for holding the elections, so as to keep up the excitement for as short a time as possible. Thus in England under the Registration Law all the votes were polled in one day; hitherto in this Province two days had been allowed, but it was proposed by this Act to extend the time to three days, and that clause he objected to. But there was another clause of the bill to which he also objected; he observed that joint tenants and tenants in common who were duly qualified, were to be allowed to vote, whilst by another clause, joint tenants, who were co-partners, were prevented from exercising their privilege. As that clause would lead to the disfranchisement of a large number of persons, who were properly qualified, and had hitherto had the privilege of voting, he should probably move an amendment, and hoped the hon. gentlemen opposite who were favourable to the extension rather than the diminution of the franchise, would not object to his proposition. He should make no other objection to the measure.<sup>21</sup>

((There were)) a few words from MR. AT. GEN. LAFONTAINE which were quite inaudible in the reporter's box<sup>22</sup>.

Some remarks ((came from)) MR. CHAUVEAU and DR. LATERRIERE<sup>23</sup>.

The amendment was negatived.<sup>24</sup>

On the next clause there was likewise some discussion carried on entirely in French.<sup>25</sup>

MR. LEMIEUX moved another amendment, to the effect, that the Municipal Councils should, on the 1st day of March in each year, appoint a Returning Officer, who should preside at any Election which might take place during the

year<sup>26</sup>.

((This)) was also after some discussion, negatived.<sup>27</sup>

The section of the Bill, as it stood, was then passed.<sup>28</sup>

MR. H. BOULTON (Norfolk) on the next clause being read, stated that he thought the Sheriff ought to be Returning Officer, not only for the towns and cities, but for the counties, and that in such districts as there were more than one county, the Sheriff should be Returning Officer of the county in which he resided, that in which the Court House was situated.<sup>29</sup>

MR. ROBINSON concurred in the opinion.<sup>30</sup>

MR. J. SMITH (Durham) hoped the suggestion would not be agreed to. For his part he was in favour of the Registrars as Returning Officers and he would be still more in favour of the bill if it provided for elections being held at the different polling places at the same time. It had been rather too much the practice of some gentlemen to wander about from one polling place to another, dabbling in the business of each, and he would be happy to see it at once put to a stop by the enactment of a law for the holding of elections all on the one day. In his opinion the appointment of any officer who held a position which was worth something, would be better than the present system of appointing any person on the moment; as the Sheriff or Registrar, having a good office, would be careful not to lose it by misconduct. But at all events it would be impossible, since the introduction of Responsible Government for any Administration to nominate improper persons, political partisans of their own, for there was nothing which the people would more certainly resent than any tampering with their elective franchise, as hon. members on the other side of the House had sufficiently experienced. For he thought that the dissatisfaction which was occasioned by their tampering with some of the disputed elections last Parliament, had in a great measure caused their downfall. That showed the determination of the people to exercise the power conferred on them by the new constitution, a power which they never enjoyed under the old system, when it was perfectly immaterial to the Government whether they were in a minority or a majority. He would be happy to see a clause inserted to ensure the possibility of polling all the votes at elections, for it had been found by experience that two days were not sufficient for polling them all. In the Township of Waterloo for instance, they could not poll above one-half of the votes at the late election, and the return to the two day system would be in effect to disfranchise that township, and if the hon. member for Toronto would contrive some plan to keep the poll open until all the votes were polled, he (Mr. S.) would be happy to support him in it, but he certainly would not support him in his desire to limit the number of polling days to two. He thought that a clause might be framed to empower the Returning Officer to keep the poll open for twenty-four hours, on the requisition of a certain number of freeholders, and in order that it might not be liable to abuse he would make it compulsory for the Returning Officer to close the poll if any particular number of votes which might be agreed on, were not every hour. On every account he thought the country owed the hon. gentleman, who introduced the measure a deep debt of gratitude.<sup>31</sup>

MR. SHERWOOD had heard for the first time that there was any difficulty in polling all the votes in two days, but he was still of opinion that with

proper management, every vote in a township could be polled in two days. He was opposed to all extension of the time of polling, as it would only have the effect of keeping up that excitement which it was their object to diminish as much as possible, and the best mode of doing so, was to shorten the time of polling.<sup>32</sup>

MR. RICHARDS was in favour of the proposition which would enable them to poll the votes in the shortest space of time, as that was one of the best modes of diminishing the excitement of a contested election. However, he would ask the hon. member for Toronto how he was going to poll the thousand votes of the township of Waterloo in two days. His hon. friend who now held his seat for the county, had only been able to poll 240 votes during the late contest; that was the total number of votes he had been able to bring up to the poll in two days, and it was out of the question to suppose that the whole of the votes in that township, a thousand in number, could be polled in two days.<sup>33</sup>

MR. SHERWOOD would give the hon. gentleman a specific. The whole of them could be polled if the registration law was passed.<sup>34</sup>

MR. RICHARDS would give the hon. gentleman another specific, which he would find equally efficacious. That was to insert a clause for the extension of the time of polling, on requisition from the freeholders. It was well known that in large townships, the weakest party, by obstructing the proceedings as much as possible, endeavoured to gain time, and thus frequently succeeded in preventing more than one half of the votes being polled, whereas, if the clauses were inserted permitting the extension of time, there would be no inducement for this procrastination, because it would always be in the power of a few freeholders to obtain this extension, and thus permit the whole of the votes to be taken.<sup>35</sup>

The house remained in committee some time longer, discussing the clauses of the bill, and various amendments proposed thereto. The debate was, however, chiefly of a conversational nature--a part of it being carried on by hon. members standing round the Clerk's table, in so low a tone of voice as to be entirely inaudible to the Reporters.<sup>36</sup>

When the committee had reached that clause of the bill which fixed three days as the time for the election, a conversation arose on the point whether the time should not be reduced to two days, in order to save the prolonged excitement caused by three days' polling.<sup>37</sup>

The general feeling seemed to be decidedly in favour of the shorter period, Messrs. Badgley, McNab, H.J. Boulton, DeWitt, Papineau, Baldwin, Armstrong and several others, all speaking in favour of two days.<sup>38</sup>

On the other hand, MR. FERGUSSON expressed his opinion that in the county of Waterloo two days would not be sufficiently long to take all the votes.<sup>39</sup>

This view of the case was sustained by MR. SOL. GEN. DRUMMOND, who said there were many counties in Lower Canada where similar difficulties would occur.<sup>40</sup>

Ultimately it was agreed to postpone the consideration of this clause.<sup>41</sup>

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*and after some time spent therein,*



Mr. Speaker resumed the Chair;

And Mr. Cauchon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again to-morrow.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

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Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. Smith, of Durham,

The House adjourned.

APPENDIX: 13 MARCH 1849.

((NOTICE OF RESOLUTIONS RE: DISSOLUTION OF UNION OF UPPER AND LOWER CANADA.))<sup>42</sup>

MR. W. BOULTON (Toronto) gave notice of a series of resolutions, to be moved on Monday next, on the subject of the Dissolution of the Union between Upper and Lower Canada.<sup>43</sup>

FOOTNOTES: 13 MARCH 1849.

1. There were commentaries on this Bill in GLOBE, 21 March 1849, and BRITISH COLONIST, 20 March 1849.
2. The debate on this matter was reported by: LA MINERVE, 15 March 1849; MONTREAL GAZETTE, 16 March 1849; PILOT, 13 March 1849, GLOBE, 21 March 1849, PROVINCIALIST, 26 March 1849, and BROCKVILLE RECORDER, 29 March 1849, which acknowledged PILOT as its source, in identical accounts; PILOT, 16 March 1849, BATHURST COURIER, 23 March 1849, and PACKET, 16 March 1849, which acknowledged PILOT as its source, in identical accounts; and BATHURST COURIER, 23 March 1849. When necessary the GLOBE will be used instead of the PILOT.
3. MONTREAL GAZETTE, 16 March 1849.
4. IBID.
5. IBID.
6. GLOBE, 21 March 1849.
7. MONTREAL GAZETTE, 16 March 1849.
8. GLOBE, 21 March 1849.
9. MONTREAL GAZETTE, 16 March 1849.
10. GLOBE, 21 March 1849.
11. MONTREAL GAZETTE, 16 March 1849.
12. LA MINERVE, 15 March 1849. The PILOT, 16 March 1849, noted the date as 1836.
13. LA MINERVE, 15 March 1849.
14. IBID.
15. GLOBE, 21 March 1849.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. MONTREAL GAZETTE, 16 March 1849.
27. IBID.
28. IBID.
29. GLOBE, 21 March 1849.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.



41. IBID.
42. This notice was reported by: LA MINERVE, 15 March 1849; PILOT, 14 March 1849, GLOBE, 21 March 1849, and PROVINCIALIST, 26 March 1849, in identical accounts.
43. PILOT, 14 March 1849.

WEDNESDAY, 14 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Egan,--The Petition of Richard M'Connel and others, Merchants interested and engaged in the Lumber Trade, residing on the Ottawa River.

By Mr. Christie,--The Petition of W. F. Whitcher and others, of the Town of Sherbrooke.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the District of Ottawa; praying for the incorporation of a Company to construct a Railroad, to be called the "St. Lawrence and Ottawa Grand Junction Railroad."

Of the Honorable A. Dionne and others, of the County of Kamouraska; praying that the Petition of certain inhabitants of the Parish of Ste. Anne for the establishment of a separate jurisdiction, with the Circuit Town at St. Patrice de la Rivière du Loup, be not granted,--and that no alteration be made in their present connection with the District of Quebec, unless a majority of those interested shall express their views thereon.

Of Joseph Painchaud, Esquire, and others, Members of the Medical Profession, of Quebec, praying that the Petition of B. H. Charlebois, Esquire, and others, praying for certain amendments to the Act for regulating the Medical Profession be not granted.

Of G. O'Kill Stuart, Esquire, and others, Stockholders in the Quebec Protestant Cemetery Association; praying that no alteration may be made in the Bill now before the House for incorporating the "Mount Hermon Cemetery."

Of the Cobourg and Grafton Road Company; praying for the passing of an Act to authorize them to extend a branch road through certain Townships to the River Trent.

Of V. Roy Lapensée and others, of the Parish of St. Michel of Lachine, District of Montreal; praying to be authorized to construct a Bridge across that part of the Lachine Canal called the "Old Canal," and that certain lands not required for the purposes of the said Canal be restored to their original proprietors.

Of the Bank of Montreal; praying to be heard by Counsel at the bar of the House, against certain Resolutions to be proposed by the Honorable Mr. Hincks for the issuing of Debentures by the Government.

Of the Right Reverend the Bishop of Bytown and others; praying for the incorporation of the Révérends Pères Oblats de l'Immaculée Conception de Marie.

Petition of the  
Hon. P. M'Gill  
and others;  
Of the Hon. W.  
H. Merritt and  
others;  
Of J. P. Bradley  
and others;  
Of J. S. M'Cord  
and others;

Ordered, That the Petition of the Honorable P. M'Gill and others, Trustees of the Huron Mining Company; the Petition of the Honorable William Hamilton Merritt and others; the Petition of Joseph P. Bradley and others, on behalf of the Officers and Members of the St. Patrick's Society of Quebec; and the Petition of John S. M'Cord, Esquire, and others, Members of the Montreal Horticultural Society, be referred to the Standing Committee on Standing Orders.

Of M. M'Donnell,  
referred.

Resolved, That the Petition of Murdoch M'Donnell, of the Town of Perth, be referred to a Select Committee composed of the Honorable Mr. Cameron, of Kent, Mr. Wilson, Mr. Hall, Mr. Bell, and Mr. Lyon, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Seventeenth Report  
of Committee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Seventeenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Saint Lawrence and Atlantic Railroad Company, for authority to the Directors to regulate the Tariff without reference to a general meeting of Proprietors,--and of James G. Rogers and others, in favor of an application from the Cobourq and Grafton Road Company, for authority to construct a branch road; and they are of opinion that neither of these Petitions require the publication of notice.

St. Lawrence  
and Atlantic  
Railroad Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Act incorporating the Saint Lawrence and Atlantic Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Third Report  
of Committee  
on Contingencies.

Mr. DeWitt, from the Standing Committee on Contingencies, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee after having taken into consideration the Petition of Joseph Smolinski, of Montreal, and maturely deliberated thereon, are of opinion, That the Calorifers or Russian Stoves are extremely well adapted to the warming of Private Houses and Public Edifices, when a uniform temperature is required; but as these Stoves take some time to heat the rooms, and consequently the heat cannot be reduced when the Galleries are crowded, Your Committee do not think the Calorifers well adapted for warming our present Legislative Hall. Besides, as there is now before the Legislative Assembly a Bill to increase the Representation, which, if it should become a Law, would necessitate the providing of further accommodation, "by means of new buildings," for the increased number of Members, and consequently a change in the apparatus for warming, Your Committee do not think it expedient to recommend during the present Session the adoption of the Calorifers.

On motion of Mr. Jobin, seconded by Mr. Bouthillier,

Notarial Pro-  
fession Organ-  
ization Bill.

Resolved, That a Message be sent to the Legislative Council, praying that their Honors will permit the Honorable Barthelemy Joliette, one of their Members, to attend the Select Committee to which

is referred the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada, on Tuesday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.



Ordered, That Mr. Jobin do carry the said Message to the Legislative Council.

On motion of Mr. Taché, seconded by Mr. Méthot,

Rimouski  
Municipality  
No. 1 Bill.

Ordered, That the Order made upon Monday last, for engrossing the Bill to remove the seat of the Municipality Number One, of the County of Rimouski, from St. Patrice de la Rivière du Loup to St. Jean Baptiste de L'Isle Verte, be rescinded.

Ordered, That the said Bill, as amended, be now recommitted to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

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Mr. Scott, of Two Mountains, took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Scott, of Two Mountains, reported, That the Committee had gone through the Bill, and made another amendment thereunto.

Ordered, That the Report be now received.

Mr. Scott, of Two Mountains, reported the Bill accordingly; and the amendment was read and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

An engrossed Bill to remove the seat of the Municipality Number One, of the County of Rimouski, from St. Patrice de la Rivière du Loup to St. Jean Baptiste de L'Isle Verte, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Taché do carry the Bill to the Legislative Council, and desire their concurrence.

Bill relating  
to Real or  
Mixed Actions.

Ordered, That Mr. Chauveau have leave to bring in a Bill to amend the Law of Lower Canada, as regards the District in which real or mixed Actions may be commenced.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Religious  
Societies  
Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to amend certain Acts of the Parliament of Upper Canada for the relief of Religious Societies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Shipping of  
Seamen at  
Quebec.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,-- Supplementary Return to an Address from the Legislative

Assembly to His Excellency the Governor General, of the 15th February last, praying His Excellency to cause to be laid before the House, the Correspondence between the Imperial and Canadian Governments, and between the latter and any private individuals, with reference to the Act to regulate the shipping of Seamen at the Port of Quebec.

Appendix  
(W.W.)

For the said Supplementary Return, see Appendix  
(W.W.)

Trinity  
Houses.

And also, Return to an Address from the Legislative Assembly to His Excellency the Governor General, of the 12th instant, praying him to cause to be laid before the House, a Copy of a Letter (precise date unknown) addressed in the year 1839 or 1840, to His Excellency the Right Honorable C. Poulett Thomson, then Governor General, by the Colonial Secretary, relating to the Trinity Houses of Quebec and Montreal, and any Answer which may have been made to the same.

By Command,

J. LESLIE, Secretary.

Secretary's Office,  
Montreal, 14th March, 1849.

Government House, 14th March, 1849.

Sir,--In accordance with your letter of yesterday's date, I have the honor to transmit the accompanying Extracts of Despatches relative to the Trinity Houses of Quebec and Montreal.

I am, Sir,

Your obedient servant,

T. E. CAMPBELL, Major.

The Honorable J. Leslie,  
Provincial Secretary, &c. &c. &c.

Extract from Despatch from the Secretary of State to the Right Honorable C. P. Thomson, Governor General, dated 8th February, 1840, No. 74:

"The Ordinance No. 66, for incorporating a Trinity House at Montreal, is unobjectionable as regards British Trade, but Her Majesty's Government entertain doubts as to the policy of having Trinity Houses at Quebec and at Montreal independent of each other. In this country the inconvenience of these independent Bodies has been severely felt, and the advantage of one presiding Authority is generally admitted. But upon this subject, Her Majesty's Government would likewise be glad of your opinion."

Extract of a Despatch from the Right Honorable C. P. Thomson, to Lord J. Russell, dated Montreal, 21st December, 1840:

"With reference to Your Lordship's Despatch of the 8th of February last, No. 74, I have the honor to inform you, that having fully considered the circumstances which led to the passing of the Ordinance to establish a Trinity House at Montreal distinct from and independent of the similar Board of Quebec. I am of opinion that they fully justify the departure from the principle which has generally been observed in regard to such matters in England. I would, therefore, recommend that Her Majesty should be advised by Her Order in Council to confirm this Ordinance."

Ordered, That the said Return be printed for the use of the Members of this

House.

Quarantine  
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend the Quarantine Act," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General LaFontaine do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any amendment.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Hastings Regis-  
tration of  
Titles Bill. \*

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of

Hastings," without any amendment: And also,

M'Collom's  
Road Allow-  
ance Bill.

The Legislative Council have passed the Bill, intituled, "An Act to vest a certain Road allowance in the Township of Nelson, in John S. M'Collom, with an Amendment," to which they desire the concurrence of this

House: And also,

Toronto Gen-  
eral Burying  
Ground Bill.

The Legislative Council have passed a Bill, intituled, "An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their successors," to which they desire

the concurrence of this House.

And then he withdrew.

Interest of  
Money Bill.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

The Honorable Mr. Sherwood moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be now read a second time;<sup>1</sup>

MR. H. SHERWOOD (Toronto) rose to move the second reading of the Bill, to alter the laws relating to the interest on money in the Province.<sup>2</sup> He regretted that while a question of such importance was submitted to the House that it should not be fuller than it was at that moment. (The hon. member alluded to the large number of members absent, who were listening to the debate of the Legislative Council on the Bill to pay the Rebellion Losses.) The question was one of the most important, if not the most important measure, which had come before the House for many Sessions, and one which would produce a great effect upon the commerce and prosperity of the country. If the law was passed, it would create a state of things the absence of which had been regretted for a long time. It was well known<sup>3</sup> to hon. members that in England Usury Laws prevailed until within the period of the last ten or twelve years, it was also well known that attempts were made for many years in the British House of Commons to accomplish a



change in those laws in England, because the individuals seeking the change, saw that it would produce all the advantages which experience had since taught them, would result from it. The history of the repeal of the Usury Laws in England was not unlike the history of the attempts to repeal the Usury Laws of the Province. The person foremost in the ranks there many years ago was<sup>4</sup> Jeremy<sup>5</sup> Bentham, who had written a most convincing treatise on the operation of the Usury Laws and the advantage of their repeal, to the commerce and trade of the country, the subject was repeatedly brought under the attention of the House of Commons, and the person who first succeeded in carrying a majority in favour of a repeal of the Usury Laws was Lord Sydenham (then Mr. Poulett Thompson.) After his motion was carried the people of the Country turned their attention to the subject and members were returned to Parliament on the understanding that these obnoxious laws--inconsistent with the spirit of the legislation that has prevailed during the last century, should be changed and an act was passed by the next Parliament, nearly the same as it exists at the present day in England. Subsequent acts had merely extended the time of the contracts allowed to be made without coming under the usury laws. The bill which he (Mr. S.) had introduced had now been before the Legislature for a period of ten or twelve years, it had been supported at different times by various majorities, but since the Union had taken place, on a division in the house on the second reading, there had been a tie and the bill was thrown out by the casting vote of the Chairman. That was in 1841 or 1842, and since that time those who had been careful observers had had abundant opportunity of perceiving that these laws had been the cause of a great deal of the difficulties under which we have since laboured in reference to our trade and commerce. He would especially call the attention of honourable members from Canada East to this measure, because, as far as he had been able to ascertain public opinion in reference to it, as represented in the House, he believed the greatest opposition he would have to encounter would be from hon. members from C.E.<sup>6</sup>

Hear, hear, from the French Canadian members<sup>7</sup>.

MR. H. SHERWOOD believed that many of them were convinced that the principle contained in this bill was correct, but were apprehensive that in the present state of things, and the contracts in L.C. existing, it might produce mischief. (Hear, hear.) They apprehended this, and therefore opposed the introduction of what they admitted to be a good and sound principle. Now he (Mr. S.) proposed to adopt the clause in the English bill which enabled parties who made contracts for the loan of money--the borrower and lender--to make what bargain they pleased in reference to the rate of interest to be paid, as long as the contract had not more than a year to run. He had adopted precisely the principle which had been adopted in England, and he had gone no further; but he also intended to propose as they did in England that the bill should not be a permanent measure, but for three or four years for the purpose of trying it. It might be repealed before that time, but at all events it would expire at the end of that time, if it was found not to work as well as he (Mr. S.) felt sanguine it would act. With regard to loaning of money, on real estate he had left that in blank, but he intended to propose that while in contracts not having more than a year to run, and not on the security of real estate, but only on the security of the individual and endorser, the borrower or lender shall have a right to fix

the rate of interest as they please, provided the rate was stipulated in the contract, he proposed further that for money loaned on the security of real estate, parties might take a rate of interest not higher than 8 per cent.<sup>8</sup> Some members had said that 7 per cent was enough, but he was prepared to give 8 per cent.<sup>9</sup> But if reasons should be adduced he should not object to alter it. The bill provided further that where parties took a greater rate of interest than 8 per cent on money loaned on the security of real estate, he would not recover more than 8 per cent, but had right to have back the money he had loaned with the legal rate of interest established by the law of the country. He thought this was a very fair and reasonable proposition. Since the bill had been before the public he had received suggestions from many quarters<sup>10</sup> although chiefly from Upper Canada about the measure,<sup>11</sup> and he found that there was a feeling throughout the country in favour of the introduction of a clause restricting charter and other Banks, who were allowed to issue bills from coming under the operation of the bill, that was to say to leave them to work out their charters under the rate of interest under which they received their charters which was 6 per cent. He should be quite prepared when the house went into committee on the bill to consent to, and propose himself an amendment to that effect; and his reason for doing so was that it was said that the chartered Banks of the Country, at present, when money was so<sup>12</sup> very scarce that the ordinary business of the country could scarcely be carried on from want of money,<sup>13</sup> had already every person connected with the business of the country as their debtors, and such a course as that proposed, might be ruinous to many of these debtors. And another reason was that while these great monied institutions were kept to a certain rate of interest--6 per cent., private individuals would be prevented from practising imposition, as a man who could have money from the banks at the rate of 6 per cent., would not consent to pay 8 per cent to an individual. If it was thought that the banks should be included in the act the same as other individuals, he should be ready to give his adhesion to that opinion.--When he drew up this bill,<sup>14</sup> he was at first in favour of extending it to all, but, after some deliberation, he had come to the conclusion, that it might be as well to exclude the Banks from the provisions at present. The Bill which he now introduced differed from the English bill alone in that it allowed parties to take more than legal interest from Real Estate, but it fixed the interest at 7 or 8 per cent., as might be determined upon by the House in Committee. He saw that in Massachusetts the other day, when he proposed to repeal or modify the Usury Laws,<sup>15</sup> and New York,<sup>16</sup> they talked about excluding the Banks; and that was the reason why he wished to see them excluded for the present.<sup>17</sup> These were the principal features of his bill, which differed little from the law in England; there were many persons who would not bring themselves to pass a law which would disturb a statute which existed here,--although it had been repealed in England--for fear of the consequences; he thought it all very well to legislate cautiously and with thoughtfulness, but he did not think that hon. members should allow apprehensions of this kind to control, unless they were prepared to show there was a reasonable foundation for their fears. It was said the repeal of the usury laws would promote prodigality, and lead to extravagance by increasing the facilities for obtaining money: was that an argument such as could be allowed in a legislative body? Had not the experience of all legislation taught us

that it was totally impossible for the legislature to pass laws to protect a man against himself?<sup>18</sup> They might pass a law against a man's taking spirituous liquors, but it would be quite inoperative.<sup>19</sup> They might pass laws to protect a third party from the effects of injury done without his consent; but it was impossible to protect a man against himself--if his inclinations, desires, and propensities led him to try to accomplish certain objects, the legislature could never prevent that man doing it; an argument of that description could not be entertained by any legislature in the present day.<sup>20</sup> If they said it protected prodigality, a man who was destined to be a spend-thrift, if he had no means, could not get any credit, but if he had any Estate he would squander it away, whether the laws were repealed or not; they could not prevent men from selling their property at a sacrifice. The spirit of the legislation of the age was, that men who were in a sane state of mind were considered as persons who could act for themselves--were free agents; and when a man was unable to conduct his own affairs he was placed in a Lunatic Asylum; and to say that a man had not a right to make a contract with another person to borrow money, and to pay him whatever rate of interest he liked, was restraining a man from doing what he had every right to do. When the Usury Laws were passed in England<sup>21</sup> there were laws on the statute books of England arranging the price of bread and articles of food. (Hear, hear.) Where were those laws now? They were the relics of a barbarous age, and have all disappeared. The usury laws have also substantially disappeared in England.<sup>22</sup> Why should they be continued in this country?<sup>23</sup> (Hear, hear.) If it was proposed to regulate the price of food in this way, the proposition would be laughed out of the Legislature. Why then continued to restrict men in reference to this particular commodity?--money. (Hear, hear.)<sup>24</sup> Was he to be told that he was not free to make any arrangement he liked about any thing but money?--why should he be prevented from borrowing money at more than 6 per cent, if he thought proper to do so?--there was no reason could be shown by which he should not.--(Hear, hear.)<sup>25</sup> But there was another argument in favour of the repeal of these laws; it was, in the knowledge of every member of the House, that though they had a law against usury in their statute book, it was wholly inoperative; (hear, hear)<sup>26</sup> it was broken every day,--(Hear, hear.) The Statute was set at perfect defiance,<sup>27</sup> because the public sentiment was opposed to its provision.--Every hour of the day that statute was evaded by the payment of higher interest than was allowed under it; and yet he believed that a man who sought to avail himself of the law to avoid payment and recover double the amount of the loan, by way of penalty, would be scouted out of<sup>28</sup> every Court of Justice in Upper Canada. He believed no Jury would be found to give a verdict in favour of a man who borrowed money at ten per cent., and then, tried to evade payment of his debt. When such was the state of public opinion, it was right for the Legislature to get rid of it, and to allow it to remain no longer in the Statute-Book, for it had a demoralizing effect. If a man became accustomed to evade the law, and found he could do so with impunity, he was very apt to<sup>29</sup> violate all the rest.<sup>30</sup> With reference to Lower Canada, would members tell him that it was not a custom for wealthy habitants in the country to lend money at more than legal interest to the poorer classes? He was told that persons who wanted grain for seed, went to the village storekeepers and borrowed<sup>31</sup> twenty, thirty, or forty bushels of grain, for seed, on promise to repay double the quantity<sup>32</sup> they received.<sup>33</sup>



DR. DAVIGNON never heard of any such agreement being made, although he was well acquainted with the country.<sup>34</sup>

MR. H. SHERWOOD had heard that such was the case, and from very good authority; and if it was the case, was such practices (sic) to be upheld by law, while they did not allow a man to receive more than 6 per cent for money, would they allow him to receive 50 or 100 per cent interest for the loan of other things, and he (Mr. S.) knew that in Upper Canada the law was also evaded, for instance if a man wanted to borrow a £1000, and he applied to a person to obtain the loan of the amount, the person would say, he would lend the money if the other party wishing the loan would purchase a small property at such a price as would give the party lending the money 10 or 12 per cent interest on the amount he loaned. He was also told that in Montreal, there was a person who was in the habit of lending money, but before any person could obtain a loan, he was obliged to purchase a looking-glass at such a price--a price far exceeding its value, but which gave the lender a high rate of interest on the sum he loaned. And, while all this was going on, they told the people that it was necessary to restrain persons from borrowing money at what rate of interest they liked to give. The Legislature had no power to tell him what rate of interest he could afford to pay. The Legislature was not competent to decide such a question. If a man could make only 5 per cent by specification, he would be a fool to borrow money at 6 per cent interest, and if he thought he could make 20 per cent, he might very properly think he would be able give 10 per cent. The supply and demand in the market must regulate the price of every commodity and if money were free, it would only bring what it was worth, according to the supply and demand; money was worth more than 6 per cent at present, and why should they not be allowed to give for what it was worth. There were men so conscientious that they would not lend their money at present for what they could get for it, because it was contrary to law to take more than 6 per cent, and they could make more by investing it in property; and supposing that the rate of interest had been 7 or 8 per cent in Montreal, would they have had so many houses empty as they now had? These houses were built because they were expected to pay 7 or 8 per cent, and if parties had been able to get that amount for their money by lending it those houses would never have been built. It was a settled principle, that when the rate of interest for money was higher than the legal rate, it would go into some other investment. He had said it was a wise step in England to repeal the Usury Laws, and what was the consequence of them being repealed--the rate of interest had never come up to that allowed by law. And if it was wise to repeal the Law in England, how much more wise would they be to repeal the law in this country, which was a new one, and in which money was more valuable than in old ones, partly on account of its scarcity, and partly because of the higher rate of profit which was to be made from the capital applied towards developing the resources.<sup>35</sup> It was therefore still more necessary, in such a country, to encourage still more, the influx of money, so as to make it plentiful. If that were done, there would be no trouble to obtain money for public or private improvements--no constant running to England or the United States to seek means that would be brought to our doors. Look at the country within a stone's throw.<sup>36</sup> In the United States money was quite plentiful.<sup>37</sup> In the State of New York for instance, a man who wishes to loan our money, can get seven per cent on as good security as they get in Canada, where they can only obtain six per cent. Was it to be

supposed that any man would come over here, and take one per cent less than he could obtain in New York? However, he was willing to test it in this way:-- Suppose there was a scarcity of food in Europe, similar to the scarcity in Ireland in 1847<sup>38</sup> and that there was one country which restricted the price of food to so much, and another country said you can sell food for any price you can get for it; would not any person buying food to sell, sell it to the country where he could get most for it. If one country said he could only get \$4 for<sup>39</sup> flour<sup>40</sup> another said \$8 and another \$9 while another left the price unrestricted<sup>41</sup> would it not be natural to expect that parties who had flour for sale would take it where the price was completely uncontrolled, and consequently where they might expect to get the most, and<sup>42</sup> if he could not sell it there would he not go to the country which gave him \$9? would he go to the country which allowed him only to take \$5 (sic) until he had tried all the other countries? Certainly not.<sup>43</sup> He would take his flour where he could make the most, and the rest would starve.<sup>44</sup> As it was with food so it was with money, it would go to the country where most could be obtained for it.<sup>45</sup> So it was with Canada. By the restrictive laws which limited the value of money to six per cent, capital was driven out of the Province to the States, where the value of money is higher, and, consequently, where the lenders can obtain a greater profit.<sup>46</sup> It was only the other day a person in Aberdeen sent out a large sum to Indiana, where it was invested so as to give 10 per cent; and money would always go to where most could be got for it. No person would give more for it than it was worth, but was it not reasonable for a man to get for his money what it was worth. Then some members talked about persons getting into debt with Merchants, and that if the law was repealed it would ruin those persons. But encourage money to come into the country, let it become plentiful, and then those persons would be able to borrow money to pay those merchants. He knew he would be met with this assertion, but it was an argument, was a sound principle to be set aside because of the vague apprehensions of some members that it would be injurious.<sup>47</sup> Now, all he wanted was to give Canada an opportunity of obtaining the capital which is now driven away, but if hon. gentlemen from Lower Canada were unwilling to apply it to their section of the Province, he hoped they would not prevent the inhabitants of the Upper Province from reaping the benefit of this measure. Let them restrict it to Upper Canada, and he was confident that before two years elapsed, hon. gentlemen from Lower Canada would be just as anxious for it, as the inhabitants of Upper Canada are now.<sup>48</sup>

MR. CHAUVEAU<sup>49</sup>.--You would draw all the money away from Lower Canada<sup>50</sup> to Upper Canada.<sup>51</sup>

MR. H. SHERWOOD, that was just what he wished to establish. The hon. member admitted that if the Law was passed for Upper Canada, it would draw all the capital from Lower Canada away,--let the law be extended to both sections of the Province and let them draw capital from other countries into the Province. He would like to press the measure upon the members for Lower Canada; it was not necessary for him to take up more time in discussing the measure at present, the details would be discussed in Committee. He had endeavoured to argue the general principles of the bill, and to dispell the prejudices which any members might have against the measure.<sup>52</sup> He did not mean to say that all the details of the bill were unexceptionable, and if the bill were passed through the second reading, he would be prepared to listen

to any amendments hon. gentlemen would propose in Committee, but he was confident that the principle contained in the bill could be sustained on good grounds. It had been admitted by the best authorities in the Province. The press had discussed it from one end of the Province to the other, and it had been approved of by papers of every political party. He did not speak of the French papers for he had not seen them, and it had been discussed out of doors by individuals of every stamp, who were generally in favour of it, and he therefore, hoped that there would be no objection to the second reading.<sup>53</sup>

MR. INSP. GEN. HINCKS said he rose with great pleasure to second the motion of the hon. member for Toronto. He perfectly concurred in what he said, that there was no measure which had been introduced which could be of more importance to the country than the present one, and if the hon. member had not introduced the bill before, then he (Mr. H.) had a bill prepared which he intended to have introduced if the hon. member had not introduced his measure. He (Mr. H.) knew that it was the determination of the hon. gentleman to introduce this bill, and as he had paid a great deal of attention to the subject<sup>54</sup> for several years, and not being desirous to interfere with his plans, he (Mr. Hincks) had some time since communicated to the hon. gentleman his intention to support him, if he would introduce this measure.<sup>55</sup> The question was one which ought to present itself to members in many points of view. He had heard a great deal about the question and he thought he knew all the arguments which could be urged against it, and he<sup>56</sup> was satisfied no reasonable argument could be advanced by any hon. member, why the bill should not be laid before a Committee of the whole, (hear, hear.) He did not mean to say that all the details were likely to give satisfaction<sup>57</sup> but there was sufficient in it to justify their going into Committee on it<sup>58</sup>. He did say that the present law was sufficiently burdensome to induce a majority of the members to sanction a bill to render it less objectionable.<sup>59</sup> Any details which might prove objectionable to members, might be modified or expunged.<sup>60</sup> He had no doubt that he would be told, and very probably by the Attorney General West, that if the bill were passed it would inflict a vast amount of mischief on the parties<sup>61</sup> throughout the country who were now in debt.<sup>62</sup> That was the grand argument against the measure, but was it any reason why they should not attempt to modify the present law and put it on the same footing as it stands in England. He knew well for he had ascertained the opinions of hon. gentlemen, that many of them who were not prepared to go as far as he would wish, were willing to go to the length of receiving commercial transactions from their present burdens,<sup>63</sup> applying the bill to ... bills which had not more than a year to go.<sup>64</sup> But he would ask any man who knew anything of the state of commerce throughout the Province, if he could deny that the whole commercial body are now in favour of the principle of this bill? And he would ask those hon. gentlemen who represented Agricultural Constituencies, and were opposed to the repeal of the existing laws, because they thought it would have an injurious effect on the interests of the agricultural body, if they were desirous of continuing the intolerable burdens under which the commerce of the Country suffered? He blushed when he in a civilised Country, in the nineteenth century--had to stand up and argue against a measure which had been scouted and condemned in every other civilised Country in the world, (cheers.)<sup>65</sup> France, England, Germany, and every civilised country had banished the Usury Laws<sup>66</sup>. There was not a



country in Europe where this principle which is now argued against, had not been handled and condemned by the ablest writers<sup>67</sup> for political economy<sup>68</sup>. He had been told by some hon. gentlemen that they condemned the Usury Laws on principle, but they could not vote for their repeal on account of their constituencies viewing the question in a different light.<sup>69</sup> They thought they would injure their constituents.<sup>70</sup> When such sentiments as those prevailed, he could easily perceive that he had great difficulties to encounter, but he would point out to those honble. gentlemen, and to others who were not prepared to go through the same length as the hon. member for Toronto and himself--for he, if he could do so, would sweep every trace of those laws from the statute books (cheers.)<sup>71</sup> Yes! He was prepared to repeal every law giving any protection to any person, because he thought they were not founded upon sound principles. He was, therefore, prepared to support any measure whatever length it went, but he did not wish to give a sudden shock in the present state of things,<sup>72</sup> as all sudden changes were likely to prove detrimental, he would instead of abolishing them at once proceed gradually, so that every Legislative measure which fettered individual enterprise had been bound injurious rather than beneficial. He had said that he did not wish to give a sudden shock to the existing order of things, and he was therefore prepared to join in any measure which would meet with the support of the House, and which might be safely carried out. And the measure which he would wish to see carried through would be of that class, as it would merely concede to commercial classes, the same liberty which had been granted in England, of exercising their own judgment in some degree in monetary transactions.<sup>73</sup> There could be no objection to their going as far as they did in England.<sup>74</sup> It should further be remarked that the argument which might be used against the bill, by gentlemen from Agricultural Districts could not apply in this case. The hon. member for Toronto had stated correctly that<sup>75</sup> for a long time, in England the Usury Laws had been inoperative,<sup>76</sup> the reason of which he would explain presently.<sup>77</sup> What did they see in England, during the great scarcity of money; the interest of the Bank of England was two per cent higher than it was allowed in this country<sup>78</sup>. It should be remembered that in England the rate of interest had been lately as high as eight per cent, while in this Province we are restricted to six per cent, and he would remark that since he had been in it, he had never seen it less, except once, when money was plentiful, and one of the Banks made some large investments at five per cent. The legal rate however was six per cent, and he wanted to know how it was that hon. gentlemen had discovered that, that should be fixed on by law as the proper rate of interest. He would remind them of what one of the ablest English writers<sup>79</sup> Adam Smith<sup>80</sup> asserted--even at the time that he was writing in favour of the Usury Laws--that the maximum rate of interest fixed by law, should be something higher than what money was generally worth, or obtained for in times when money was abundant. But the fact was, the English money could generally be obtained for less than the maximum rate of interest fixed by law, and that was the reason why the Usury Laws then were inoperative.<sup>81</sup> The member for Toronto had<sup>82</sup> also<sup>83</sup> correctly<sup>84</sup> stated that usury was practised to a large extent in Lower Canada, and he (Mr. H.) having ascertained from good authority that it was so, would reiterate the statement notwithstanding the denial of the hon. member for Rouville, and would assert that usury is as much practised in Lower Canada as any where in the world.<sup>85</sup> But he knew that in Upper Canada the law was evaded to a great extent. The law was evaded

throughout the whole Province. In the City of Montreal as well as in other places. He himself had evaded the law, and would do so again<sup>86</sup> tomorrow, if he had occasion.<sup>87</sup> (Cheers and laughter.)<sup>88</sup> He would mention the occurrence, and leave hon. gentlemen to form their own opinions. Hon. gentlemen knew that he had speculated in Montreal Mining Stock, and at one time had some engagements to meet which he could not well accomplish, as the banks were not discounting at the moment. He put his stock into the hands of a broker, and obtained an advance at an enormous rate of interest, and at the end of the month directed the broker to sell the Stock. What was the result? Why, he saved \$500, after paying an enormous rate of ruinous interest.<sup>89</sup> (Hear.)<sup>90</sup> That was a fact; and similar things occurred every day, as was perfectly well known. Hon. gentlemen should not shut their eyes to these facts. They should be just as sure that if they passed absurd laws with respects to money, they will certainly be evaded, as that smuggling will be carried on if<sup>91</sup> exorbitant duties on goods<sup>92</sup> are imposed.<sup>93</sup> And they could not prevent it; and if they passed absurd laws about money they would also be evaded and with regard to the penalties it was only the persons who lent the money who were affected by them, and they charged more than they would otherwise do, to reimburse them for the risk which they ran in violating the law.<sup>94</sup> He really wished that hon. gentlemen who opposed this measure would take up the works of the eminent writers on this question in England, and they would find that many of their opinions were completely untenable. If they would refer to the work of Sergeant Byles, who was one of those people who thought that the repeal of these laws had not worked well in England, they would find that even he admitted that the old system stood in need of some change. It was not to be expected that whole community in any country could be brought to have the same views on this question; but what was the fact so far as it regarded England. The usury laws were repealed thirteen years ago, so far as commercial transactions were concerned, and yet in all parliaments that had been held since, no man had ever stood up and proposed to go back to the old system, thus showing that although some parties had doubts of its benefit, yet many could have no hope of inducing the majority of Parliament to second them.--But he supposed hon. gentlemen would return to their old arguments, and assert that the farmers of the Province are not able to pay more than six per cent; but he perfectly agreed with the hon. member for Toronto, that people should be allowed to judge for themselves what interest they were able to pay, and he could not see any reason, at all events, why a man should not be allowed to manage his business in money matters as well as any thing else.<sup>95</sup> Some were just as able to pay eight per cent as some others were able to pay four per cent, and the members who opposed the Bill made no provision for these unfortunate people that were sued and mulcted in costs to the extent of fifty per cent, because they were unable to borrow money in consequence of the law prohibiting more than six per cent being taken in the form of money. So far as he could judge the majority of the members from Lower Canada were against the bill while the majority of the members from Upper Canada were in favour of it<sup>96</sup>. The hon. member for Toronto had said, that if hon. members from Lower Canada were determined to oppose this measure, they should at least not vote against its being passed with reference to Upper Canada.--He (Mr. H.) hoped also that those hon. members would not oppose it when a large majority of the members from Upper Canada were in favour of it.<sup>97</sup> He was no advocate for forcing a measure upon one section of the Province by the votes of members from the other

section, and therefore, if the people of Lower Canada were in favour of the usury laws, let them have them, and if the people of Upper Canada were in favour of them being repealed, he did not think the members for Lower Canada should oppose the bill.<sup>98</sup> The only difference between money and other things was, that it could be used to effect exchange, but that did not make it cease to be a commodity. The truth was, that this was no longer a question for discussion; all enlightened men in all countries were agreed on it. Should Canada be the only country where the Legislature would set itself obstinately against making any improvement in the law.<sup>99</sup>

MR. H. SMITH of Frontenac, was opposed to the bill; this country had one advantage over England in Legislating upon this question, because they could see the effect which the repeal of the usury laws produced in England, and from what he had learned he looked upon the bill as pregnant with the most evil consequences and he would endeavour to point out some of them; he thought the change in England took place in 1833, and since that time there has been ample time to judge of the effect produced by the change in the usury laws, previous to the change when a person became insolvent he was obliged to stop business and his estate was divided among his creditors, but since the repeal of the usury laws<sup>100</sup> his desire to maintain his position induced him to go on borrowing to such an extent<sup>101</sup> at a high rate of interest<sup>102</sup> that there was nothing left for his creditors<sup>103</sup> and the effect had been found most injurious in England, and so it would be found in this country; every man was predisposed to avert ruin and he would pay any amount to keep off the evil day, and if this bill was passed there would be no limit to the rate of interest which might be paid.<sup>104</sup> No man could pay fifty, sixty, or a hundred per cent interest. Yet<sup>105</sup> he could show that<sup>106</sup> the rate of interest had been paid in England<sup>107</sup> and that much pain had ensued in consequence. The bill was only proposed as a temporary one, he thought the principle was to raise the rate of interest and that was permanent; and the question was whether they were prepared for it; he thought no.<sup>108</sup> It was said, however, that by repealing the law the money would be made cheaper; that had not been the effect in England.<sup>109</sup> The consequence of the change in England had not been to reduce the rate on interest; there the good man could always get money at as low a rate as at present, but the needy borrower was now obliged to pay 10 or 20 per cent,<sup>110</sup> as much sometimes as one hundred per cent per annum.<sup>111</sup> In making such a change as the one proposed they should look to see if there was any ground for making it; there were no petitions before the House except from one or two Boards of Trade. With respect to New York the rate of interest was 7 per cent but he believed that the rate would soon be reduced for he found from the Journals for 1847, that no less than 3 (sic) petitions were presented to the Senate praying that the rate of interest might be reduced and a bill was introduced to reduce the rate of interest to 6 per cent and it was carried to a second reading but remained unfinished when the Session adjourned. The member for Simcoe would state the different rates of interest allowed in each state of the Union, but he (Mr. S.) believed that in<sup>112</sup> four out ((of)) five of the states<sup>113</sup> it was not more than 6 per cent.<sup>114</sup> The hon. member for Toronto complained of interference with individual action, but in England there were many laws besides Usury Laws, which restrained individual action.<sup>115</sup> With respect to the assertion of the Inspector-General, that the people of Upper Canada desired the measure, the hon. member might believe that such was the fact, but he



(Mr. S.) did not believe that it would be found that the majority of the people of Upper Canada were in favour of the measure. In Upper Canada it was well known that many of the farmers went in debt, and that they had great difficulty in paying the interest, and if that bill was passed persons in distressed circumstances would be obliged to pay 10 or 15 per cent for money, and if they stalled in paying that when it became time, there was nothing to prevent them paying 20 or 28 per cent the next year. The hon. member then proceeded to read extracts from a work of Sergeant Byles in defence of the usury laws, to show that in Bankruptcy most of the estates proved worthless, in consequence of their having been previously absorbed to pay a higher rate of interest for money to enable the Bankrupt to continue business a little longer than he could otherwise do.<sup>116</sup> He had seen no works which took the other side of the question and showed the advantage of the new law.<sup>117</sup>

(154)

*Mr. Davignon moved in amendment to the Question, seconded by Mr. DeWitt, That the word "now" be left out, and the words "this day six months" added at the end thereof.*

MR. WILSON said he had expected a clear exposition from the Inspector General of the reasons which led him to advocate the change contemplated; but instead of giving them that, the hon. member had contented himself with disclaiming against them who opposed the change as being barbarians. The hon. member told them very candidly<sup>118</sup> though perhaps not very wisely,<sup>119</sup> that he had evaded the law, and would do so again, but how far that should convince<sup>120</sup> any person of the propriety<sup>121</sup> that the laws should be repealed, it was rather hard to conceive.<sup>122</sup> However,<sup>123</sup> there were several grave questions involved in the matter, and he should wish to have full information on several points before voting on the measure; he should like to know what was the actual state of indebtedness of the country at that moment, he meant of the indebtedness of individual to individual. Now persons acquainted with the country knew that there had been an overtrading of it, which had nigh ruined it, and which tended to increase a desire for luxuries among the people; there was a time when womankind were, in the country content with dresses of their own weaving, but now they must have their silk, their satin gown, their prunella shoes and other extravagances; and farmers had become indebted for those things, to a greater extent than the produce of their farms allowed, and it would be very interesting to have an inquiry into this, and to know whether the repeal of the Usury Laws would tend to check or to encourage this extravagance.<sup>124</sup> He next wanted to know what were the natural resources of the country to pay high rates of interest?<sup>125</sup> Some things, such as lumber, might pay a high rate of interest, but when they came to the farmer to ask him how much interest he could pay upon the principal which he had invested in his farm, would any man tell him (Mr. W.) that the farmer could pay 15 per cent upon the principal invested? Would they tell him that the farmer could pay 6 per cent? The effect of the measure, he considered, would be to change four-fifths of the whole property of country; for if farming could pay more than 6 per cent, why did not persons look to it as a good means for investing capital, the same as the Lumber and other trades? There was just one reason which would induce him to vote for the Bill being referred to a Committee, and that was to have it fairly discussed, and after they had all the facts before them they could fairly judge upon it. He based his opinion upon this great fact that no person could pay more than

6 per cent upon the amount invested in a farm. They had been told that money was just like any other commodity, and it was just like any other commodity, but in one respect; that it was the only commodity which was a universal exchange, and in this respect it differed very materially from all other commodities, and the whole fallacy of the argument, that money was a commodity, was to be found in this. Another reason why he should vote for going into Committee was, he could not see how any person who could get 7 per cent in the States would invest money here, where he could only get six per cent here, and if it appeared to him that it prevented capital from coming into the country, then he would be for raising the rate of interest to 7 per cent.<sup>126</sup>

MR. INSP. GEN. HINCKS.--Thousands of pounds have been sent out of the country to be invested in the United States.<sup>127</sup>

MR. WILSON.--Well then he would support their going into Committee on the Bill to allow the Inspector General to prove that and also to prove the amount of the indebtedness in the country, and what was the cause of it; whether it was legitimate trade, or whether it was extravagance, and whether this measure was going to check it or not.<sup>128</sup>

MR. DEWITT.--The hon. and learned member for Toronto had given them a long speech and they had got another one from the Inspector General; and, if their arguments were sound, they did not need any change in the Usury Law, because it was inoperative and was evaded. It was said that the laws were evaded; well he believed there were other laws which were evaded; there were laws against larceny, arson, and murder, and they were all evaded at times, but was that any reason why they should abolish the laws against larceny, arson, or murder. (Hear, hear.) And he did not think it very becoming a Legislator to openly avow that he had violated the law, and intended to do so whenever he thought proper; and at the same time help to make laws for other people. (Hear.) They had been told a great deal about the repeal of the Usury Laws bringing capital into Canada;<sup>129</sup> but this would do no such thing. He remembered when Upper Canada debentures could be bought for 80 per cent, which would certainly afford a high rate of interest, while at the same time<sup>130</sup> they could get plenty of money in Lower Canada for five per cent. And the State of Massachusetts could get all the money it required for six per cent and less; and some of the States Governments only gave five per cent and could get all they wanted; and how was it that the United States Government could get money at less than six per cent., while men could get seven per cent for investments in New York? It was because men had confidence in it; the United States bonds were at £110 in Great Britain. This showed that there was something else than high interest required to get money. It was said that money and property were the same; but he would like to ask the hon. member for Toronto if he had a power of Attorney from London to collect a debt if he would take so many cords of firewood, so many pies, so many calves, in payment for the debt; he (Mr. D.) was afraid he would not and it showed that there was some difference between money and other commodities, and that great sacrifices required to be made to make such commodities supply money. It had been said that all that was required to make things all right was to permit a little higher interest to be taken. But the man who required money at a high rate of interest was not trusted, because it was better that the man's property, which it was necessary to sell, should be sold for a small debt than for a large one. He had seen a case in London

lately where a man got only £250 for a note for £800, yet the man who shaved it lost in consequence of the estate of his debtor being all eaten in paying exorbitant interest. It was always better for a man to sell his property at sacrifice than to allow it to be eaten up by paying an enormous rate of interest.<sup>131</sup>

MR. HOLMES said that the hon. member who had just sat down had a great deal of experience in monetary matters, and he (Mr. H.) did expect to have heard some sound argument from him. But he could not help expressing his disappointment at the speech he had made, because he (Mr. H.) did not see a single argument in it. Some time in 1841, there were large public works going on in Montreal at the harbour, and money was required to pay for them; but what was the effect of the Usury Laws?--it was impossible to borrow money, and the Commissioners were obliged to call for tenders for the works, payable by bonds, the consequence of this was that the tenders sent in were from 15 to 21 per cent. higher than they would have been if the works had been paid for in ... cash.<sup>132</sup> This being ascertained the laws were partially abrogated, and<sup>133</sup> the Special Council passed a law authorizing the<sup>134</sup> Harbour Commissioners<sup>135</sup> to raise money at what rate they could get it for<sup>136</sup>. They then advertized for new tenders for cash, and simultaneously advertized for loans<sup>137</sup> and there was ((no)) difficulty found in obtaining what money was wanted at 7 per cent, and new tenders were made out at 15 to 20 per cent less than the former ones; in the course of events, changes took place, trade prospered, and<sup>138</sup> in two or three years money<sup>139</sup> became so abundant that it was hawked about the streets at 5 per cent. This circumstance induced the Commissioners to reduce the rate of interest on their bonds, and they accordingly advertized that they would pay off their Debentures and take new loans. They got £95,000, at 5 per cent., in twenty-four hours, and paid off every one of their old Debentures. The interest allowed in the United States was higher than in this country<sup>140</sup>. Now, in New York, 7 per cent was paid; and in the Western States 10 or 12 per cent, and he could name his own friends, who every year invested money in the States to obtain that higher rate of interest<sup>141</sup> and he knew that capital was also taken from Nova Scotia and New Brunswick for the same purpose. There was no party who derived any benefit from the Usury Law--<sup>142</sup> The borrower, from whom the law was made, derived no benefit from it, for he was driven from the respectable capitalist to the unprincipled broker, to whom he was compelled to pay two commissions and a guarantee against the penalties of the law<sup>143</sup> which the person lending ran in violating the law, even the banks violated the law as it now stood; a borrower went there to borrow money, but occasionally the Banks wanted money also. They, therefore, would not lend any money, but they would sell a draft for London,<sup>144</sup> for 12½ per cent<sup>145</sup> if the man would take that; the man said, it is better for me to take that and to sell it at trifling loss than to break my engagements; he therefore, takes the bill, and he is charged 12 per cent premium for a bill on London and 4 for one on New York,--while it was notorious that the bill on London, was only worth 9 and the one on New York 1 per cent premium. The man then goes and sells it to a Broker for 1 per cent discount--and the Broker goes and sell it immediately afterwards to the Bank for 1½ per cent discount--and so the borrower pays about 4 per cent for his loan of the money, besides losing the interest. This was done every day, and it shows that the law was of no use whatever. The member for Frontenac said, that in consequence of the repeal of the Usury Laws,



people who were insolvent went on borrowing more at 50, 60, and even 100 per cent, and that, in consequence, when they got into the Court their creditors got nothing, but the hon. member gave no evidence of the same thing not having been done previous to the repeal of the Usury Laws, He (Mr. H.) did not believe that the insolvent debtors were any worse now than in former times, and he would ask whether the result in the Bankrupt Court here, with those laws in force, was generally much better than what was said by the hon. member.<sup>146</sup> In England he had not found one single objection to the new law, and if there were insolvents now ruined by paying too much interest, there was no proof that the same thing had not occurred under the old law. At any rate here, with all the advantages of the law, the moment a man got into the Bankrupt Court, it was well known that nothing would be got out of it. It had been said that there were no petitions; but there would have been a long petition which was signed last year, had not the signers been too numerous to visit to obtain fresh signatures this year.<sup>147</sup>

MR. CHABOT felt called upon as the Representative of a large Constituency deeply interested in this measure not to give a silent vote on it. This bill was designed to benefit the bankers, capitalists and a small class of others at the expense of the<sup>148</sup> great majority of the people<sup>149</sup> to enable them to raise the rate of interest--interest which would be paid by the Agriculturalists--<sup>150</sup> whom he believed it to be the best policy in the state to protect<sup>151</sup>. He thought the measure would greatly affect the credit of the Province and that if it was one of such great importance as the Inspector-General represented<sup>152</sup> why was it not brought forward by the Ministry; who would be to blame if they neglected to bring forward a measure which would prove so advantageous as it was said it would prove. But he thought the Ministry, like him, were afraid that the Bill would prove very injurious to the country, instead of being beneficial--He would vote against the Bill.<sup>153</sup>

MR. COM. CR. LANDS PRICE had hitherto voted against the repeal of the usury laws, and although upon the question itself his mind had undergone no change--he felt disposed to go into committee, to see if any arguments could be brought forward to convince him that a modification of the usury laws would be desirable and for the advantage of the Province. In the discussion of this question one important fact had been entirely lost sight of. Hon. members had argued that because our legal interest was 6 per cent, therefore money did not flow into the Province, but that was not the reason that money did not flow into the country--the reason was that capitalists in England had no confidence in this country, and therefore would not invest their money here. Was it not a well known fact that all within a few months past, preference had been universally given to the United States over Canada, in loans made for public improvements in the various States of the Union? Did not the merchants in this very city lead people in England to believe that the investment of capital was not safe in this country? (Hear.) Was it not notorious that at this moment everything possible was done, if not absolutely to destroy our credit in the mother country, at least, having a tendency that way? (Hear, hear.) That was one reason we got no money to come here.<sup>154</sup> Another reason was, so soon as the farmer would become indebted to the merchant, he would lose his farm. It had been argued on the other side, and by his hon. friend (Mr. Hincks), that it was not reasonable that money would be brought here when more could be got for it elsewhere, and that it was probable

that the rate of interest would go down to 5 per cent. He was disposed to go into Committee on the question, but he was opposed to the repeal of the Usury Laws. He thought that if they were repealed, in less than a year three tenths of the rural estates in Canada West would go into the hands of a monied aristocracy.<sup>155</sup> (Hear, hear.) It was no argument to say that because it might be desirable that the usury laws should be repealed in England, where there was capital more than could be employed, that therefore the law should be repealed here when we cannot employ capital profitably. There was no farmer in C.W.--he cared not where his farm might be--who could carry on the business of farming with a borrowed capital of 6 per cent; unless he had some resources to fall back upon in the course of 10 years his farm would pass into the hands of the man who lends him money--His hon. friend (the Inspector General) said he had evaded the Usury Laws and gave that as a reason for their repeal, but was there any law on our statute book that was not often evaded?--(Hear, hear.) It was for the interest of the lawyers that the Usury Laws should be repealed, it would increase their business an hundred fold because it would greatly increase the number of suits for debt. His hon. friend said that in Canada West there was a strong desire for the repeal of Usury Laws, he (Mr. Price) knew of but one instance in which a farmer had spoken to him of ((the)) importance of repealing the Usury Laws, and that was an old farmer who had some £300 in hand, for which he was getting nearly cent per cent and who thought it very hard he should not be allowed to get more. He would appeal to every hon. member who came from a rural constituency whether he ever made this a test question, or a question at all. (Hear, hear.) He had never known in the County of York--and he knew the four riding well--of a single instance in which the question was put to a candidate "will you vote for the repeal of the Usury Laws or not?"--(Hear, hear.) He believed and therefore he was opposed to the repeal of the Usury Laws, that if you were to remove those laws (sic) from the statute book, if you let money free and left to find its own level, there was scarcely a debt that would become due after the laws were repealed that would not be increased at least 25 per cent.--Man was a selfish animal and if he could get 25 per cent from his debtor, when he was himself hard pushed, he would not hesitate to do it.--(Hear, hear.) He repeated that capital did not flow into the Province--not on account of the rate of interest, but because capitalists at home had no confidence in this Country, because persons here, had done all in their power to injure the credit of the Province for political and party purposes.<sup>156</sup>

MR. H. SHERWOOD true, true, but we differ as to which party had done it.<sup>157</sup>

MR. J.A. MACDONALD, (Kingston).--It's the agitation.<sup>158</sup>

MR. COM. CR. LANDS PRICE in continuation. The merchants of this city had done more to damage the credit of the Province than all the agitation from one end of the country to the other (hear, hear.) Men who got up meetings and said unless you open the Navigation of the St. Lawrence and give us protection, we'll seek a new state of political existence. They would never get capitalists to bring their money here, so long as men like this came out and told their Sovereign that unless they were protected, they would seek protection in the neighbouring states. And then too look at the tone of the journals in the interest of the opposition, the same things went forth to the world, and then the hon. gentlemen opposite instead of trying to put it down, did all in their power to foster it and send home such sentiments as those through the public journals (hear, hear.) He was prepared



however to go into committee, and he would not say but what he might vote to raise the rate of interest to 7 per cent (no, no) but higher than that he would not go.<sup>159</sup>

MR. PRES. EX. COUN. MERRITT said that any question brought under the notice of the House the tendency to which was to introduce capital into the country, deserved attention. He had heard the question often discussed<sup>160</sup> year after year,<sup>161</sup> and he had listened to-night attentively to the different speakers to hear if any new arguments would be adduced in favour of the repeal of the Usury Laws, but he had listened in vain.<sup>162</sup> He was most disappointed with the hon. member from Montreal, from whom he expected to have some argument. His argument was, that Harbour Debentures, at one period, produced 8 per cent, and at another only 5 per cent, which only proved that money was more plentiful at one period than at another. What they had heard from England was not such as to induce them to alter the present law. To expect that this law or any other, would introduce capital, was a fallacy. If any motive ever existed to induce the capitalist to invest money in Canada, it existed now, for never could property be bought so low as now.<sup>163</sup> Where or at what period had the value of property been so low as in Canada as at this moment?--Where was there a better investment for capitalists, than in all parts of this country? Look, too, at the price our debentures had been selling<sup>164</sup>. He had been told that Quebec Debentures had been sold at 20 per cent. discount;--there were railroad and other stocks, which would be profitable, yet they could not get the capitalists to invest money. He thought the strongest argument against the repeal was the immediate effect<sup>165</sup> that instead of capitalists investing their money in public improvements, they would become brokers. But the strongest argument, and the one on which he (Mr. M.) had always opposed it, was<sup>166</sup> if mortgages were allowed to be made at 8 per cent, it would have the effect of taking 2 per cent from the pocket of the borrower, to put it in that of the lender.<sup>167</sup> Make the rich richer and the poor poorer. If he thought the tendency of this measure would be to bring capital into Canada, he would support it, but he did not believe it; the prosperity of this country depends entirely on other sources; they must raise the value of the productions of Canada, that was the true source of the wealth of this country, and by no other way could they so effectually raise the value of their wheat and their productions of the soil. When that was done nothing could prevent the country from being prosperous, but not by a repeal of the usury laws or any attempt at legislation of that nature.<sup>168</sup> He would vote for going into Committee, but he would reject the measure. He did not agree that money was a mere commodity. He thought that abrogating the law would have the effect of reducing the value of property and raising that of money.<sup>169</sup>

MR. H. BOULTON (Norfolk) would vote for going into Committee, but he was against the repeal of the Usury Laws. He thought that every body who borrowed money, especially of the Banks on three months paper, in effect paid 7 per cent for it. This was considering contingent expenses, as postages &c. He thought that the rate of interest was scarcely an ingredient in inducing the capitalist to invest money--it was confidence that was wanted. People did not loan their money because they got a large rate of interest. He asserted, that plenty of money might be got in England for from  $1\frac{1}{2}$  to 2 per cent. Capitalists would lend at this rate to the house of Barrings (sic), but would not lend money at any rate on a mortgage of the Montreal Banks from the objections that they had



to lending money abroad. The rate of interest was 12 per cent in Calcutta, and why did not Capitalists go there to invest their money, if a high rate of interest was the inducement. Would a gentleman in this Province go to India to lend his money at 12 per cent where he knew nobody, when he could get 6 per cent with good security in the Province. There was no business in this country that would permit a man to borrow money at 7 per cent to carry it on. People do not want to borrow who are not in debt, and they would have to pay 8 per cent for it. If the country was not in debt, and a country of merchants and not farmers, he would have no objections to open the door as wide as they liked; but the country never was in a worse condition to open the door than it was at present. He would vote for making the rate of interest 7 per cent. The people of this country were indebted about £10,000,000, and if they raised the rate of interest 2 per cent, they would have the debt money, £12,000,000. Money (sic) was not an article to traffic but the representation of value and the medium of exchange; if a man have a pound in his pocket it always remains a pound till the end of the year, but it is not so with a pound's worth of merchandise. If 100 people all wanted a loaf of bread, they would give a high price to get it, and it was the same with money.<sup>170</sup>

MR. ROBINSON, we were not able distinctly to hear from conversation under the Reporter's box, but we understood him to say that he would vote against the Bill going into Committee, and that he had always been opposed to the repeal of the Usury Laws. He thought their repeal would cause a great loss to the country, and one of the greatest evils which could befall it. He was opposed to wasting the time of the House in discussing it in Committee.<sup>171</sup>

MR. J.S. MACDONALD (Glengarry) opposed the measure which he believed would be injurious to the interests of the farmers--he had always voted against the bill--he had never at any election heard a single farmer ask for such a measure; it was intended to promote the interests of the bankers and capitalists at the expense of the agriculturalists.<sup>172</sup> The feeling of the country was against it.<sup>173</sup>

MR. J. SMITH (Durham) had not heard any thing that could make him change his opinion, which was also that of his constituents. He thought that any law which was habitually broken through was immoral, and should not be allowed to stand. He thought that the law under discussion was of an immoral tendency, and the judges always strived to grant immunity to those who evaded it. In the Eastern States, which were the oldest, the rates (sic) of interest was lowest, and the Western States which were new, it was the highest, and the lesson they might take from that was favourable to his side of the argument. Building Societies were in operation all over Upper Canada, and were making immense profits--they were exempt from the Usury Laws. Persons who associated themselves in corporate bodies, and who were rich, were to be exempted--whilst others were not permitted to be so. The effect of the practical working of the law, was that persons who were in difficulty had to go to these societies and get money at 10 or 12 per cent. Those persons were ruined by the present working of the law, and it would be better if it were blotted out of the statute book. Many a man if he had been able to borrow money at 8 per cent, might have saved himself from being sued and sold out. Looking at the question in all points of view he was opposed to the Usury Laws. He would be prepared to vote for any modification of them.<sup>174</sup>

DR. BEAUBIEN said that two members of the Administration had taken different views, and he felt somewhat embarrassed which to follow. He thought that he who received the high rate of interest would become rich, but he did not see how he who paid it would. He would take the example of the hon. President of the Council, and confine himself to developing the resources of the country. If we don't develop (sic) our own resources, it was of no use bringing foreign money here, at a high rate of interest. And he did not partake of the opinion of the hon. Inspector-General, who told them that no reasonable man would support the Usury Laws.<sup>175</sup>

MR. AT. GEN. BALDWIN did not know how to meet the arguments of his hon. friend, the Inspector-General, and his hon. friend from Toronto. The great floods of wealth that were to pour on them from all parts of the world, was certainly fascinating. They had tried to carry their measure by having something to the taste of every palate. There was another class who of course thought themselves pretty wise and they were told that, if they did not vote for the measure, they were barbarians.<sup>176</sup> ((He)) had been called an antediluvian in a former Parliament, and was now called a barbarian. He believed he must be satisfied with being both an antediluvian and a barbarian.<sup>177</sup> He (Mr. B.) was one of those old-fashioned folk who had an idea, and who kept it till they found out that it was wrong.<sup>178</sup> Gentlemen desired to get their feet on the first step of the ladder, by going into committee; but he hoped they would not be allowed to do so.<sup>179</sup> He thought they might as well discuss the question in the House as in Committee. He hoped that hon. members who were not prepared to support the bill would not vote for the second reading. He (Mr. B.) would like then to have moved for such returns as would have shown them the amount of the indebtedness of the country; he thought that by one stroke of their pen, they might ruin thousands. The hon. member for Norfolk had stated that the amount of the indebtedness of the country was £10,000,000; he (Mr. B.) had heard it estimated at £20,000,000 and, if they took £12,000,000 it might be the medium;--it would add £4,000,000 to the debt of this country to increase the rate of interest to 8 per cent, and he asked them if they were going to saddle the country with this at this time. He had been from the first opposed to the repeal of the Usury Laws. If they were going to make their fortune by increasing the rate of interest, why stop at 6 per cent and not go to 20. If the scheme was of such great use in the States why had nineteen of them kept their fixed rate of interest, and only six abolished it.<sup>180</sup> The learned gentleman then went on to show that the richest states in the neighbouring union, were those where the interest was least. He thought, then, there would be no influx of wealth in consequence of the repeal of these laws<sup>181</sup> and he would oppose the second reading of the bill.<sup>182</sup>

MR. INSP. GEN. HINCKS did not wish any to vote for the second reading of the Bill who were not prepared to go a certain length. He looked on the Usury Laws as totally absurd, and thought they ought to be repealed, but he was prepared to go any length towards their modification. The hon. Attorney General, West, had spoken a great deal about the indebtedness of the country, and the ruin the repeal of the laws in question would bring. He (Mr. H.) thought that it was overrated, and that it would matter very little in that view of the question at all. If he (the Att. Gen.) thought that it would make so much havoc if the rate of interest were increased, why did he not

come forward to propose to reduce it to 4 per cent. He (Mr. H.) thought that if the arguments of the hon. gentleman were true, that they would put him in a blissful state. (Laughter.) They were constantly told about the borrower having to pay a larger amount. The fact was there was a certain amount of capital in the country, and if they could not increase that, they must have a high rate of interest, and the Usury Laws were evaded. If a man owes now, is he not sued, and made to pay more than if he could have borrowed money at a higher rate of interest. If those laws were abolished, loan and trust companies would be formed, and money would be brought into the country. The argument of his hon. friend (Mr. Price) was absurd when he told them, that money could be got in England at 3 per cent; it was not for mortgages and fixed securities that money could be got at this rate. If people were prepared to pay for money, the Legislature had no right to prevent them. Money was a commodity and he was prepared to prove it. He would cite a case in New York when money was at  $2\frac{1}{2}$  per cent, and flour at 10 dollars a barrel. When flour and other articles were scarce, they became high in the same way money did. It might add to the value of gold and precious metals, that they were adopted as the means of exchange. He did not see how they could get out of building societies, which were laws passed for the express purpose, of evading the usury laws. And he did not see how gentlemen could set their faces against the present measure, and yet support building societies.<sup>183</sup>

MR. CHAUVEAU thought the theories of political economy were very fine, in certain given circumstances; but felt sure in the present position of the country, it would be of no use to admit competition of capitalists, because there were no capitalists to compete. Before enough capital could be brought into the country to effect any useful competition, the most frightful evils would have been produced; for creditors would raise the rates of interest, and would thus ruin their debtors. It was said that the law was now constantly evaded, and was in fact useless. If so, why repeal it? It was certain, however, that it had some effect, and to a certain extent did prevent usurious interest. It was said too, that Upper Canada desired to have the law repealed; and that it should be repealed in her favour, if Lower Canada did not wish it. That, however, would only enable Upper Canada to drain Lower Canada of her capital; and he would, therefore, oppose it.<sup>184</sup>

MR. FLINT was opposed to the principle contained in the Bill, and would, therefore, vote for the amendment. It was useless to pass a bill at this time of day to increase the rate of interest, after the country had been impoverished by bad harvests for the last two years, and all the farmers were consequently very much in debt. A repeal of the Usury Laws, under such circumstances, could not but have an injurious effect; at all events he would want to hear some stronger argument than that used by the hon. Inspector General. The hon. gentleman said in reply to the Inspector General's argument, that money was subject to the same depreciation as other articles, that he did not believe it, for he knew that money was always worth six per cent in his part of the country, whilst he had known more instances than one when it was scarcely possible to get anything for flour.--He knew one instance when a country merchant, owing a small debt, endeavoured to sell a quantity of flour to pay it, and failing in his attempts to do so, or to get an advance, tried to induce the Bank to take it in security for the amount, which was refused, and the consequence was that he went into the Bankrupt Court.<sup>185</sup>



A Member.--That was the fault of the Usury Laws.<sup>186</sup>

MR. FLINT.--No, it was not, it was the fault of the Banks taking too much in foreign exchange.<sup>187</sup>

MR. CAYLEY said, the cause of the difficulty was not because money was borrowed at a high rate, but because it was borrowed when not wanted. He would take an instance of a miller he knew, who carried on his business by drawing on Montreal and became a ruined man. He was glad to see the hon. member for the North Riding in his place, whom he would call a kindly barbarian, and thought he must belong to an extinct species. (Laughter.) What the hon. member must be afraid of was the term usury, which was only another name for interest. He did not think the hon. member for the North Riding quite consistent, as he had become the advocate of Free Trade, and he (Mr. C.) could not see why he should oppose Free Trade in money. If the hon. member would consider what it was that caused the value of money, he would see that it was nothing else than supply and demand; and that it would rise or fall as the case might be. There were cases when money was scarce and when it was in good demand; that could be clearly shown by a reference to the rates of interest at Hamburg, London, New York, and Bombay. At Hamburg it was cheaper than at London; and at London it was cheaper than at New York; and what was the reason? Simply because the demand for money at New York was greater than at London, or at Hamburg in proportion to the supply. And it followed that whatever rate of interest might be imposed by law at Hamburg, could never have the effect of bringing to the same level in point of value as it would be in New York. His hon. friend, on the other hand, appeared to fear that if the limits of the rate of interest were based above what it is now, by law, the actual value of the money would immediately be raised to that limit; but there was no reason to fear that such would be the case, except for the demand for money and the want of supply to meet the demand could cause it to do so. If the demand exceeded the supply, money would necessarily rise to its highest limit; but if the supply, on the other hand, was greater than the demand, it would fall. On the whole, he was in favour of a modification of the existing laws, and would therefore oppose the amendment.<sup>188</sup>

MR. H. SHERWOOD would read while the members were being called in, and extract from a letter of Lord Grey<sup>189</sup> in which he expressed a hope that this measure could obtain the sanction of the Provincial Assemblies.<sup>190</sup>

MR. SOL. GEN. DRUMMOND would be opposed to the introduction of the usury laws<sup>191</sup>. ((He)) was on principle in favour of a modification of the existing laws<sup>192</sup> but he thought that evil might come from repealing them, which he would oppose. He thought that at the present time farmers were deeply in debt, and that the abolition of the usury laws would have a ruinous effect on the farmers of Lower Canada<sup>193</sup> who are almost all indebted, in consequence of the failure of crops for several years past. Such a change he was confident it would be generally admitted would add still more to their distress.<sup>194</sup> He had reflected on the matter and had been much embarrassed in coming to a conclusion. He was against the principle of the usury laws, but he thought if they were abolished, it would have an injurious effect on Government debentures<sup>195</sup> as they had contracted those debentures under the existing system, and without any apprehension that the rate of interest would be raised.

Another reason which induced him to oppose the bill, was the knowledge that it would have the effect of depreciating the value of Provincial Debentures. For it was not to be supposed that any man, having money to dispose of, would purchase Provincial Debentures at 6 per cent., when he could get 7 per cent. on good security.<sup>196</sup> He would wish to see those laws altered gradually.<sup>197</sup>

((There were)) a few words from DR. LATERRIERE.<sup>198</sup>

(154)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(155)

YEAS.

Messieurs Attorney General Baldwin, Beaubien, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchonay, Dumas, Flint, Fortier, Fournier, Fourquin, Guy, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Connell, Méthot, Mongenais, Nelson, Papineau, Polette, Richards, Robinson, Scott of TWO MOUNTAINS, Seymour, Smith of FRONTENAC, Stevenson, Taché, Viger, and Wilson.--(40.)

NAYS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Brooks, Burritt, Cameron of KENT, Cayley, Christie, Dickson, Egan, Fergusson, Hall, Hincks, Holmes, Johnson, Lyon, Macdonald of KINGSTON, M'Farland, Merritt, Meyers, Notman, Price, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Watts.--(29.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day six months.

Frivolous Op-positions Bill.

The Order of the day for the second reading of the Bill for preventing frivolous and vexatious Oppositions to the seizure of moveables or of immoveables, and for better ensuring the execution of Judgments of the Courts of Law in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Wednesday, the twenty-eighth instant.

Transfer of Real Property (U.C.) Bill.

The Order of the day for the second reading of the Bill to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

Petit Jurors (U.C.) Bill.

The Order of the day for the second reading of the Bill to limit the number of Petit Jurors to be summoned to attend the several Courts in Upper Canada, and to provide for the payment of them, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Berthier  
Municipal-  
ities Bill.

The Order of the day for the second reading of the Bill to divide the County of Berthier into two Municipalities, for Municipal purposes, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Toronto, Sim-  
coe and Lake  
Huron Union  
Railroad Com-  
pany Bill.

The Order of the day for the second reading of the Bill to incorporate Frederick C. Capreol, Robert Easton Burns and others, under the style of the Toronto, Simcoe, and Lake Huron Union Railroad Company, to enable them to construct a Railroad from Toronto to Lake Huron, being read;

The Bill was accordingly read a second time;<sup>199</sup> and referred to the Standing Committee on Railroad and Telegraph Line Bills.

Quebec District  
Teachers Asso-  
ciation Bill.

The Order of the day for the second reading of the Bill to incorporate the Teachers' Association of the District of Quebec, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Laurin, Mr. Chabot, Mr. Chauveau, Mr. Lemieux, and Mr. Méthot, to report thereon with all convenient speed.

Peterborough  
Incorporation  
Bill.

The Order of the day for the second reading of the Bill to incorporate the Town of Peterborough, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Quebec  
Friendly  
Society  
Bill.

The Order of the day for the second reading of the Bill to continue for a limited time the Act of the Legislature of Lower Canada incorporating the Quebec Friendly Society, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Polette took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Polette reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Polette reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Kingston Hos-  
pital Bill.

The Order of the day for the second reading of the Bill to incorporate the Kingston General Hospital, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.



Cayuga Town-  
ship Division  
Bill.

The Order of the day for the House in Committee on the Bill to divide the Township of Cayuga, in the District of Niagara, into two Townships, being read;

The House accordingly resolved itself into the said Committee.

The Honorable Mr. Macdonald took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. Macdonald reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

The Honorable Mr. Macdonald reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Magog Town-  
ship Bill.

The Order of the day for the second reading of the Bill to erect a new Township, to be formed out of part of the Township of Hatley and part of the Township of Bolton, in the County of Stanstead, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Armstrong took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Armstrong reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Armstrong reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Thompson, seconded by Mr. Chabot,  
The House adjourned.

((WITHDRAWN MOTION RE: RESOLUTIONS ON UNION ACT.))<sup>200</sup>

MR. H. BOULTON (Norfolk) in pursuance of notice, moved that the House should go into Committee on the Union Act. He apprehended that the resolutions he intended to lay before the Committee would meet with no opposition, and he would read them to the House.<sup>201</sup>

MR. CHAUVEAU asked if they were printed.<sup>202</sup>

MR. H. BOULTON replied that they were not. He then proceeded to read the resolutions, which he had no doubt would meet with the general approbation of the House.

Resolutions proposed to be submitted to Committee of the Whole House, by the Honorable H.J. Boulton.

Resolved.--That whatever may tend to lessen the Independence or disparage the character or dignity of either Branch of the Legislature, is an injury and blemish to the whole Body.

Resolved.--That in the opinion of this Committee, that provision of the Act of Union which declares that it shall be lawful for any member of the Legislative Council of the Province of Canada to resign his seat to the said Legislative Council has a direct tendency to destroy the independence, lessen the dignity of, and diminish the respect due to that branch of the Legislature, and that every constitutional means should be adopted to procure the repeal of that enactment.

Resolved.--That the provision of the Union Act which declares that the presence of at least twenty members of the Legislative Assembly of this Province of Canada, including the Speaker, shall be necessary to constitute a meeting of the said Legislative Assembly for the exercise of its powers, is a misuse and unnecessary interference with the internal course of its proceedings, which should be left free and unfettered to the judgment and discretion of this House, and be regulated by its own orders, and imports a distrust of the discretion and judgment of the House in the ordinary discharge of its high functions as a Legislative Body.

Resolved.--That the provisions of the Union Act, that it shall not be lawful to present to the Governor of the Province of Canada, for Her Majesty's assent, any Bill of the Legislative Council and Assembly of the said Province, by which the number of the Representatives of the Legislative Assembly may be altered, unless the second and third reading of such Bill in the Legislative Council and the Legislative Assembly, shall have been passed with the concurrence of two thirds of the members for the time being, of such Legislative Council and of two thirds of the members for the time being of the said Legislative Assembly respectively, is an unjust, unwise and injurious restraint upon the free voice of the majority of the people through their representatives, placing the majority in the most vital point of Constitutional Government under the unalterable controul of the minority, a principle altogether inconsistent with, and diametrically opposed, to every sound view of Responsible Government.

Resolved.--That the people of this Province ought not to be called upon to pay the salary of any public functionary, however exalted may be his position, in whose appointment their representatives are not consulted, and

over whose conduct they have no control.

Resolved.--That by the act of union, the several sums of £7,000 and £1,000, of sterling money of Great Britain, are thereby appropriated in Schedule A appended to the said act, to the Governor and Lieutenant Governor respectively, who are respectively appointed at home upon the sole responsibility of the ministers of Her Majesty's Imperial Government.

Resolved.--That upon all sound constitutional principles of free Government, such appropriation should, in the language of Lord Viscount Howick, now Earl Grey, and Her Majesty's principal Secretary of State for the Colonies, be borne upon the consolidated fund of the United Kingdom, because as the Governor is sent out by Great Britain, he ought to be paid by Great Britain.<sup>203</sup>

MR. H. SHERWOOD (Toronto) begged the hon. gentleman's pardon for interrupting him, but he would suggest that resolutions of such importance should be printed before they could be laid before a Committee. There were in reality the 92 resolutions<sup>204</sup>—

MR. AT. GEN. LAFONTAINE.--The ninety-three.<sup>205</sup>

MR. H. SHERWOOD ((continued)) of the hon. gentleman, and were tantamount to a little declaration of independence.<sup>206</sup>

Several members suggested that the Resolutions should be first printed, and distributed among the members, before the House went into Committee on them.<sup>207</sup>

MR. H. BOULTON did not intend to introduce any declaration of independence whatever, and when one of his resolutions was founded on the declaration of a Secretary for the Colonies, he did not think they could be called revolutionary or subversive. He did not, however, wish to press his motion, if the House wished to have them printed.<sup>208</sup>

MR. AT. GEN. LAFONTAINE said that the usual course during several past sessions, was to print any resolutions of importance before going into Committee, in order to make members completely acquainted with the subject under discussion. He thought the hon. member would do well to follow the usual course on the present occasion.<sup>209</sup>

MR. H. BOULTON repeated that he did not desire to press his motion at the present moment, but he would, at the same time, remark that if the House were prepared to take up the question, he would not be out of order in passing his motion.<sup>210</sup>

SIR A. MACNAB did not mean to say that the hon. gentleman was not in a condition to go into Committee immediately, for he believed that he was prepared to go any where.<sup>211</sup> (Laughter.)<sup>212</sup> It would be well, however, for the hon. gentleman to have his resolutions printed before he pushed the motion.<sup>213</sup>

MR. AT. GEN. BALDWIN said that his impression, from what he heard of the resolutions, as the hon. gentleman had read them was that he was not prepared to go into committee on the Union Act, immediately. He was not prepared to say that the present was the time for taking up any of the points referred to in the resolutions. But it was quite obvious that they should have the resolutions printed before they took them up in committee, and in his opinion,



it was not of course that they should go into committee on such important questions as the state of the nation, or the consideration of the Union Act, without having the resolutions printed, so as to enable every person to understand them fully.<sup>214</sup>

MR. H. BOULTON then withdrew his resolutions for the purpose of proposing them on a future date after they had been printed and in the hands of members.<sup>215</sup>

FOOTNOTES: 14 MARCH 1849.

1. The debate on this motion was reported by: MONTREAL GAZETTE, 16 March 1849; BATHURST COURIER, 23 March 1849, which acknowledged MONTREAL TRANSCRIPT as its source; PILOT, 16 March 1849, copied by BATHURST COURIER, 23 March 1849, and PACKET, 23 March 1849, and ST. CATHARINES JOURNAL, 29 March 1849, in identical accounts; PILOT, 16 March 1849, GLOBE, 24 March 1849, and PROVINCIALIST, 26 March 1849, in identical accounts, except that PROVINCIALIST reported fewer and abbreviated speeches. LA MINERVE, 15 March 1849, and LE JOURNAL DE QUEBEC, 17 March 1849, noted the debate. Commentaries may be found in GLOBE, 24 March 1849; and PILOT, 16 March 1849, BRITISH COLONIST, 23 March 1849, BATHURST COURIER, 23 March 1849, and ST. CATHARINES JOURNAL, 29 March 1849, in identical accounts. According to PILOT, 16 March 1849, the House was "very thin" during this debate because the members were listening to the Rebellion Losses Bill debate in the Legislative Council.
2. PILOT, 16 March 1849.
3. MONTREAL GAZETTE, 16 March 1849.
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36. PILOT, 16 March 1849.
37. IBID.

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181. PILOT, 16 March 1849.
182. MONTREAL GAZETTE, 16 March 1849.
183. IBID. PILOT, 21 March 1849, described this speech as "very spirited."
184. PILOT, 16 March 1849.
185. IBID.
186. IBID.
187. IBID.
188. MONTREAL GAZETTE, 16 March 1849.
189. IBID.
190. PILOT, 16 March 1849.

191. MONTREAL GAZETTE, 16 March 1849.
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195. MONTREAL GAZETTE, 16 March 1849.
196. PILOT, 16 March 1849.
197. MONTREAL GAZETTE, 16 March 1849.
198. IBID.
199. PILOT, 16 March 1849, noted that "there was no opposition" to the second reading of the Bill. There is an analysis of the Bill in PILOT, 21 March 1849.
200. The debate on this withdrawn motion was reported by: MONTREAL GAZETTE, 16 March 1849; and PILOT, 16 March 1849, BRITISH WHIG, 20 March 1849, BATHURST COURIER, 23 March 1849, GLOBE, 24 March 1849, PACKET, 24 March 1849, and PROVINCIALIST, 26 March 1849, in identical accounts. LA MINERVE, 15 March 1849, noted the debate. Commentaries appeared in GLOBE, 24 March 1849, and PRINCE EDWARD GAZETTE, 30 March 1849.
201. PILOT, 16 March 1849.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. IBID.
207. MONTREAL GAZETTE, 16 March 1849.
208. PILOT, 16 March 1849.
209. IBID.
210. IBID.
211. IBID.
212. MONTREAL GAZETTE, 16 March 1849.
213. PILOT, 16 March 1849.
214. IBID.
215. MONTREAL GAZETTE, 16 March 1849.



THURSDAY, 15 MARCH 1849.

(156)

Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. Bouthillier,--The Petition of Boucher de LaBruère and others, of the Parish of St. Hyacinthe.

By Mr. Egan,--The Petition of R. M'Connell and others, of the County of Ottawa.

By Mr. Mongenais,--The Petition of Joseph Héneau dit Deschamps, landowner in the Grande Isle de Beauharnois.

By Mr. Smith, of Durham,--The Petition of Henry Rinch, of the Township of Clarke, District of Newcastle.

By the Honorable Mr. Merritt,--The Petition of the Municipal Council of the Western District (Road between Chatham and Windsor.)

By Mr. Morrison,--The Petition of John W. Gwynne, Esquire, and others, Directors of the Toronto and Goderich Railroad Company.

By Mr. Sherwood, of Brockville,--The Petition of George Crawford and others, of the District of Johnstown.

By Sir Allan N. MacNab,--The Petition of John O. Hatt and others, Stockholders in the Desjardins Canal Company.

By Mr. Wilson,--The Petition of John Shore and others, of the fifth Concession of the Township of Westmeath.

Quebec  
Friendly So-  
cieté Bill.

An engrossed Bill to continue for a limited time the Act of the Legislature of Lower Canada incorporating the Quebec Friendly Society, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chabot do carry the Bill to the Legislative Council, and desire their concurrence.

Cayuga Town-  
ship Division  
Bill.

An engrossed Bill to divide the Township of Cayuga, in the District of Niagara, into two Townships, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thompson do carry the Bill to the Legislative Council, and desire their concurrence.

Magog Town-  
ship Bill.

An engrossed Bill to erect a new Township to be formed out of part of the Township of Hatley and part of the Township of Bolton, in the County of Stantead, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. M'Connell do carry the Bill to the Legislative Council, and desire their concurrence.

Berthier  
Municipal-  
ities Bill.

An engrossed Bill to divide the County of Berthier into two Municipalities, for Municipal purposes, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to divide the County of Berthier into two Municipalities, and for other purposes relative to the said County."

Ordered, That Mr. Armstrong do carry the Bill to the Legislative Council, and desire their concurrence.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Trustees of the Kingston Hospital."

Of E. Dalair, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester; praying for the re-establishment of Parish Municipal Councils.

Of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester; praying for the amendment or repeal of the Common School Law, and the reenactment of other provisions in lieu thereof.

Of E. Dalaire, Esquire, and others, of that part of the County of Dorchester; praying for certain amendments to the law establishing Registry Offices in Lower Canada.

Of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester; praying for aid for the improvement of certain Roads.

Of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester; praying for amendments to the Road Laws.

Of E. Dalaire, Esquire, and others, of that part of the County of Dorchester heretofore constituting the County of Dorchester; praying for the passing of an Act to explain, define, and establish the law for the regulation of the Seigniorial Tenure of Land, and to facilitate the voluntary commutation of the said Tenure.

Of R. B. Hatt, Esquire, and others, the Mayor and Councillors of the Village of the Canton of Chambly; praying for the improvement of a small piece of road which, with the bridge across the River Richelieu, connects the termini of the Longueuil and Chambly, and the Granby Turnpike Roads.

Of E. P. Christie and others, of the Seigniories of Bleury, Sabrevois, and Noyau; praying that John Yule, Esquire, and his co-petitioners, be not authorized to construct a Dam across the River Richelieu.

Of Adam Timmerman and others, of the Township of Clinton; of Abisha Morse and others, of the Townships of Grimsby, Gainsborough, and Caistor; of John Dobbie and others, of the Township of Willoughby; of James Oswald and others, of the Township of Stamford; of George Secord and others, of the Gainsborough;

of Isaac Johnson and others, of the Township of Bertie; of Charles Neall and others, of the Township of Niagara; of William Duff and others, of the Town of Queenston; of Arthur Shaw and others, of the Township of Niagara; of J.E. Jennings and others, of the Township of Louth; of W. Kingsmill, Esquire, Sheriff, and others, of the Town of Niagara; of John Root and others, of the Township of Sherbrooke; of William T. Burke and others, of the Township of Canborough; of Henry Smith and others, of the Township of Grimsby; of George Walker and others, of the Township of Cayuga; of George Jamison and others, of the Township of Moulton; and of W. B. Shean and others, of the Township of Dunn, all in the District of Niagara; praying that the Bill for removing the District Town of the said District from Niagara to Port Robinson, may not pass.

Of Peter B. Clement and others, of the Town and Township of Niagara, District of Niagara; praying for the incorporation of a Company to construct a Suspension Bridge across the River Niagara, at Queenston.

Of A. Campbell, Esquire, and others, Merchants, Ship owners, and others interested in the Trade of Quebec; praying that that part of the Petition of

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the Reverend P. F. Durocher, on behalf of the Montagnais Indians, which prays that certain lands on the north shore of the River St. Lawrence be granted to the said Indians for hunting grounds, be not granted

Of L. K. Benton and others, of Stanstead, in the County of Stanstead; praying for the repeal of certain Road Laws, and the enactment of provisions in accordance with the Municipal Council Act.

Of James Easson and others, of Perth; praying for the abolition of punishment by death.

Of the Mayor and Citizens of Quebec; praying for the adoption of certain measures for the suppression of Intemperance.

Of William Smith and others, of the Township of Brompton, Canada East; praying that the proposed payment of Rebellion Losses in Lower Canada be not concurred in.

Petition of E. Dion and others,  
referred.

Ordered, That the Petition of Eucher Dion, Esquire, and others, of the Parish of St. Thomas and the Village of Montmagny, County of L'Islet, be referred to the Standing Committee on Railroad and Telegraph Line

Bills.

First Report of  
Committee on  
Private Bills.

Mr. Sherwood, of Brockville, from the Standing Committee on Miscellaneous Private Bills, presented to the House the First Report of the said Committee; which was read; as followeth:--

Your Committee have examined the Bill to incorporate the St. George's Society of Quebec, and the Bill to incorporate the Hamilton and Gore Mechanics' Institute, and have agreed to report the same without amendment.

They have also examined the following Bills, and have agreed to certain amendments to each of the same, which they beg leave to submit for the consideration of Your Honorable House, viz.:--

Bill to incorporate the Quebec Warehousing Company.

Bill to incorporate L'Académie Industrielle de St. Laurent, in the District of Montreal.



*Bill to incorporate La Communauté des Soeurs de Ste. Croix, in the Parish of St. Laurent, in the District of Montreal, for the purposes of education.*

*Bill to incorporate "Les Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de Montréal."*

On motion of Mr. Méthot, seconded by Mr. Lemieux,

Quebec Ware-  
housing Com-  
pany Bill.

*Ordered, That the Bill to incorporate the Quebec Ware-  
housing Company, as reported from the Standing Com-  
mittee on Miscellaneous Private Bills, be now  
committed to a Committee of the whole House.*

*The House accordingly resolved itself into the said Committee.*

Mr. Fortier took the Chair of the Committee<sup>1</sup>;

MR. H. SHERWOOD objected to<sup>2</sup> the 3rd clause,<sup>3</sup> because it gave advantages to this company which individuals did not possess. He was willing to grant privileges to companies intended to promote the introduction of new manufactures, &c; but why should these benefits be accorded to a company about to establish a mere common warehouse and carrying establishment, such as already existed by individual enterprise in every part of the Province? Such a company might have property come into their hands for shipment to the amount of twenty times their capital stock. Now, what security would there be for the parties to whom this property belonged, if the shareholders in the company were only liable to the amount of their shares?<sup>4</sup> He considered it liable to a great deal of abuse, in various manners, and he thought the Committee ought to reject it.<sup>5</sup> It was plain, that having property to this large amount in their hands, large values might be abstracted by collusion (sic) among the servants of the company, and then the shareholders might shelter themselves under this limitation of liability.<sup>6</sup> He did not doubt the honesty of those gentlemen who composed this Company; it was the principle he felt himself bound to protest against.<sup>7</sup>

MR. METHOT said that this company, instead of offering less, in fact offered much greater security than other companies, inasmuch as they proposed to pay up a sum of £25,000, which would be laid out in valuable and available property, so as to admit of realization to cover their liabilities. He then went on to describe the property of the company at Quebec and urged that it was of the highest importance for the trade of the St. Lawrence to encourage competition in carrying upon it, without which the repeal of the Navigation Laws and Reciprocity Bill could be of little use<sup>8</sup> au pays.<sup>9</sup>

MR. CHAUVEAU thought those who made the most beautiful speeches on the trade of the West, were too often those who opposed every practical measure to encourage that trade. Now, he would ask the hon. member for Toronto, if he had reflected upon the character of the warehousing system of New York, and upon the large trade which it had withdrawn from Canadian ports to attract to New York? If not, it was well worthy of attention, with reference to this question. The hon. member then read an article from the New York Journal of Commerce, to show the great increase of commerce there, consequent on the completion of the warehousing system. There might, in the case of more carriers, be some danger of loss to proprietors of goods by the sinking of vessels; but here the entire property of the Company consisted in real property. This was not a mere local measure, but was mixed up with the whole policy of the country, to forward which large sums were

spent daily. Other schemes far less valuable got this clause.<sup>10</sup>

MR. CHRISTIE was quite disposed to assist this Company, but he did not think it was similar to those of New York, which had been alluded to by the hon. member who spoke last.<sup>11</sup> ((He)) asked whether the warehousemen in New York had the privilege now sought for? He would also remark, in answer to what the hon. member had said, that if there was no risk now, why ask for limited liability?<sup>12</sup>

MR. HOLMES explained that the warehousing system spoken of in the New York paper did not consist in the establishment of warehouses by individuals or companies, but the legal provision which enabled goods to be warehoused for exportation.<sup>13</sup>

MR. CHAUVEAU.--But has not your Reciprocity Act the same object?<sup>14</sup>

MR. HOLMES.--Yes; but there is nothing in common between the warehousing system spoken of in the newspaper, and the establishment of places where goods were stored. At the same time, he thought the enterprise now under consideration a very good one, and would vote for it.<sup>15</sup>

MR. H. SHERWOOD did not desire to throw any obstacle in the way of the Act of incorporation, if it were done in a way he thought correct.<sup>16</sup> ((But he)) warned the House that if they passed this bill they would do an injustice to individuals now carrying on this trade.<sup>17</sup> If this Act of incorporation be granted, limiting the liabilities of Shareholders, they would have others springing up in all parts of the Province, and coming to them for similar Charters. He (Mr. S.) was not prepared to limit the responsibility of any Company of the kind, and if they limited that, they must be prepared to limit others.<sup>18</sup>

MR. W. BOULTON asked how many forwarders there were who offered the same security as was offered by this company, with £25,000 stock?<sup>19</sup>

MR. DEWITT thought the chance of a Company of this kind to lose should not exceed its chance of profit.<sup>20</sup> As no shareholder could gain more than his divided stock, he should not be liable for more than the amount of his interest in it.<sup>21</sup> He thought they should do all they could to induce the trade of the West to pass down the St. Lawrence, and he could not see any reason why the Bill should not pass.<sup>22</sup> He would support the bill.<sup>23</sup>

MR. CARTIER said that the principle of this bill was not new, it existed in the common law, in the law of the Société en Commandite, in which the administration of the society alone were liable for its debts. The truth was, that those who made contracts with a society having this limitation, did not make the contract with the individuals, but with the body; they knew of the limitation, and they knew also that the association possessed a large capital which afforded them security for what was due to them. In New York immense stores had been built on Governor's Island which would contain millions of quarters of grain, and these were built on this plan. The company was necessary for the security of the trade of the St. Lawrence.<sup>24</sup>

MR. AT. GEN. BALDWIN was of opinion that the Legislature had gone too far already, in granting these limitations<sup>25</sup>. He agreed with what had fallen from the Hon. member for Toronto. Charters might be necessary in some cases, but<sup>26</sup>

unless a stop were put to it, there would be nothing but Corporations from one end of the country to the other. He had supported Mining and Railway companies in this pretension, only because it seemed absolutely necessary to do so, in order to obtain that concentration of capital so necessary for such enterprises. If this limit were passed, where should the House stop? Every half dozen hardware merchants or dry goods merchants, would apply to be exempted from their liability.<sup>27</sup> He thought they should establish some general principle, or they would have Charters for everything<sup>28</sup>. Besides this, it was obvious that to grant this exclusive privilege would be to build up a mammoth monopoly with exclusive privileges, which would tend to check private enterprises, which was by far the most valuable and economical enterprise for the country. His objection did not relate to this as a local measure, for he had opposed bills for corporations at Sherbrooke and Toronto.<sup>29</sup> He would not support the Bill if the principle of limited liability were allowed to remain in it.<sup>30</sup>

MR. INSP. GEN. HINCKS moved that the Committee rise, report progress, and ask leave to sit again. It was evident that there was great difference of opinion on this measure, and he would like to see it referred to a Select Committee. He agreed with every word spoken by the hon. Attorney General West; but as great importance seemed to be attached to the measure, he would go as far as to exempt the shareholders and make the Direction liable.<sup>31</sup>

((There were)) a few words from MR. G. SHERWOOD of Brockville--<sup>32</sup>

MR. AT. GEN. LAFONTAINE expressed his opinion in favour of adopting the principle of the Société en Commandite, according to the proposition of the Inspector General.<sup>33</sup>

MR. CHAUVEAU expressed his willingness to accept that arrangement<sup>34</sup>.

The hon. Inspector General's motion was carried.<sup>35</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Fortier reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Monday next.

Intemperance.

Ordered, That the several Petitions on the subject of Intemperance, presented to this House since the twenty-eighth day of February last, be referred to the Select Committee appointed to enquire whether any and what Legislative measures can be adopted to repress the evils growing out of Intemperance.

Leave of  
Absence.

Ordered, That the Honorable Mr. Cameron, of Cornwall, have leave to absent himself from this House, for one month, on account of sickness in his family.

On motion of Mr. Fortier, seconded by Mr. Polette,

Bridge Bill of  
A. Archambeault  
and others.

Resolved, That a Message be sent to the Legislative Council, praying their Honors will permit the Honorable Barthelemy Joliette, one of their Members, to attend the Standing Committee on Road and Bridge Bills appointed by this House, on Saturday next, at ten o'clock in the forenoon, to



be examined with reference to the Bill to authorize Antoine Amable Archanbeault and others to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned.

Ordered, That Mr. Fortier do carry the said Message to the Legislative Council.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

St. George's  
Society Bill.

Ordered, That the Bill to incorporate the St. George's  
Society of Quebec be now committed to a Committee of  
the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Watts took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Watts reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Message from  
the Council.

A Message from the Legislative Council, by John  
Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:--

Indemnifica-  
tion Bill (L.C.)

Bill, intituled, "An Act to provide for the Indemnification of parties in Lower Canada whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight:"

Montreal and Pro-  
vince Line Junc-  
tion Railway Bill.

Bill, intituled, "An Act to amend and extend the Act to incorporate the Montreal and Province Line Junction Railway Company:"

Bradley's Road  
Allowance Bill.

Bill, intituled, "An Act to enable William Bradley to hold a certain Road allowance in Caledonia, in the Ottawa District:" And also,

Naturalization  
of Aliens Bill.

The Legislative Council have passed a Bill, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," to which they desire the concurrence of this House.

And then he withdrew.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Attorney General Baldwin,

Orders of the  
day.

Ordered, That the Orders of the day be now read.

Public Debt.

The Order of the day for the House in Committee on that part of the Speech of His Excellency the Governor General, at the opening of the present Session, which relates to giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, the creation of an efficient Sinking Fund, and the alienation of works of a purely local character, and also, to certain matters connected

*with the said Public Debt and the keeping of the Public Accounts; and also, on the Petitions from the several Banking Institutions praying to be heard by Counsel at the bar of the House, against certain Resolutions to be proposed for the issuing of Debentures by the Government, being read;*

*Ordered, That it be an Instruction to the Committee, That they do hear Counsel as prayed for by the Petitioners.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Morrison took the Chair of the Committee;*<sup>36</sup>

MR. ROSE, Q.C., appeared at the bar of the House to be heard on behalf of the various banking institutions in compliance with their petitions. He said--  
Mr. Chairman, I appear as counsel for various banks, against the measure now before this Committee; and before proceeding to the consideration thereof, permit me to thank the House for the consideration and courtesy which it has exhibited towards those institutions. I shall now, without further preface, enter at once upon the consideration of this question, as it affects the interests of those, whose interests I stand here to advocate. Those to which I would principally direct attention are the 2nd and 8th resolutions; and I shall first endeavour to show what power these resolutions really confer and what acts they authorize the Executive Government to perform. That, sir, will be the first point to which I shall direct the attention of the Committee. The 2nd resolution proposes:--

2. That it is expedient to provide, that of the Debentures which the Governor in Council is or may be authorized to cause to be issued under any Act passed or to be passed, a sum not exceeding £250,000 currency, may be issued in Debentures being each for a sum less than ten pounds currency; and that such Debentures may be made payable on demand or at any time after date, and with or without interest, and may be receivable in payment of moneys payable on demand or at any time after date, and with or without interest, and may be receivable in payment of moneys payable to the Provincial Government generally, or in payment of such duties or dues and by such Officers or Departments and upon such terms and conditions, as the Governor in Council shall from time to time appoint, and being so received, may be re-issued, or may be cancelled and others issued in their stead; provided that the total amount of such Debentures as aforesaid outstanding at any one time shall not exceed the said sum of £250,000, and that the total amount of all Debentures, including those above mentioned, shall not at any time exceed the amount then authorized by Law.

I refer now to the 8th resolution, which is in these terms:--

8. That it is expedient to authorize the Governor in Council, to direct the proper Officer to ascertain as accurately as possible the amount of the appropriations for permanent works which have been paid out of the Consolidated Revenue Fund, and to credit the said Fund, and to credit the said Fund for the aggregate amount of the said payments, charging the same to the respective Public Works, and to issue Debentures for the amount of such appropriation, in like manner as for any other purpose for which Debentures may be issued under any Act; and to cause a separate statement to be inserted in the then next Public Accounts, of whatever may have been done in the behalf aforesaid.

Now, sir, the 2nd resolution is easily to be understood; it proposes to

authorize the Governor of this Province to issue debentures in sums under £10 currency, for a sum not exceeding £250,000. The object of the 8th resolution would appear to be somewhat less easy to understand, and I shall be happy to be corrected if I fall under any misapprehensions as to its real intentions. It would appear to be provided by it that the Governor in Council shall be authorized to ascertain what amount has been paid out of the consolidated revenue for the public works of this Province, and that the Governor in Council shall be authorized to issue debentures for such a sum.--My first impression on reading the resolutions was that it would have enabled the Governor to issue debentures for the entire amount appropriated and expended upon the Public works of the Province, but I am disposed to think that such is not the intention of the 8th Resolution, but that it has this object in view. I believe the revenue of the Province has exceeded by a considerable sum the amount of the necessary expenditure, and I suppose that it is intended by the Government now to ascertain to what sum the entire appropriation amounts, expended upon Public works, over the other necessary charges upon the Government--that is to say, supposing for the sake of example that the net revenue of the Province is £500,000, that the necessary expenditures of the Government have for the last four or five years been £400,000, that there has been consequently an excess of £100,000, over the necessary expenditure, and that such excess has been appropriated and spent on the Public works of the Province, and I apprehend that the object of this, the 8th Resolution, is to authorize the Governor in Council to ascertain what amount has been paid out of the consolidated revenue, and actually expended upon Public works; this resolution therefore would seem to authorize the Governor in Council to issue debentures for the entire excess of revenue spent on Public works for the last three or four years, over the necessary expenses of the Government; and it becomes a matter of no small importance to the banking interests of the Province to ascertain what sum, in the aggregate, that amounts to, because the Governor in Council is by this Resolution authorized to issue debentures for that sum. Now I have endeavoured to ascertain as nearly as possible.<sup>37</sup>

MR. INSP. GEN. HINCKS here interrupted the learned counsel, in order to put him in possession of the views of the Government. The learned counsel had expressed a wish to be set right if he misapprehended them. He considered that the terms of the 2nd Resolution were sufficiently explicit to satisfy every one that it was not the intention of the Government to issue more than £250,000, under any circumstances, in debentures of less than £10. If the 8th Resolution was so worded as to warrant the interpretation which the learned counsel put on it, he could only say it should be altered, and put in such terms as should admit of no misapprehension. He was anxious the learned counsel should fully understand that it was not intended under the 8th Resolution to issue any debentures under £10, and further, to state distinctly the exact amount beyond which debentures should not be issued on account of these Public Works.<sup>38</sup>

MR. CAYLEY asked if the hon. member had any objection to state the exact amount with which the blank in the 8th clause of the bill would be filled up?<sup>39</sup>

MR. INSP. GEN. HINCKS replied that £200,000, as near as they could calculate, was the amount which it would require to place the Consolidated



Revenue Fund right. If there was any further amount expended on Public Works of a permanent character likely to produce revenue beyond the £200,000, that amount he proposed to carry to the credit of the account for the redemption of the public debt. Suppose the amount expended on Public Works referred to, to be £450,000, they would apply under the 8th Resolution for power to issue debentures to an extent not exceeding £200,000, and the £250,000 would be carried to the credit of the account for the redemption of the public debt.<sup>40</sup>

MR. CAYLEY understood, then that the consolidated revenue was now indebted to other funds to the amount of £200,000.<sup>41</sup>

MR. INSP. GEN. HINCKS.--That included in it various other sums for which the consolidated fund was liable, but which had not yet been paid.<sup>42</sup>

((There was)) some further conversation between ... MR. INSP. GEN. HINCKS and MR. CAYLEY.<sup>43</sup>

MR. ROSE continued.--That explanation may to a certain extent affect the line of argument I was about to take on the 8th Resolution. My object in defence of the agents by whom I am retained, is to guard against the possibility of using the permission proposed in this resolution in a different manner from that intended. I am satisfied of the sincerity of the present intentions of the Government, but my duty compels me to go farther. I must endeavour to prevent the conferring of such a power as might be used hereafter in a different way from that which it is the present intention of the Government to use it. I would respectfully submit that the terms of the 8th Resolution empower the Government for the time being to ascertain how much of the Consolidated revenue has been expended on public works, and to issue debentures. I will not say for what sum. I am satisfied they will not be issued for sums exceeding £10; but, at the same time, it is in the power of the Government to revive that which has been already extinguished,--in other words, to create a representative for payments already made. I presume that the surplus revenue for the last four or five years has been £100,000, and on that assumption I am warranted in urging the point; for I find it stated in a letter before this House, addressed by the Hon. Inspector General to the Bank Agents in England, that a sum of £400,000 has been invested out of the Consolidated revenue, and spent upon public works. That sum, therefore, it appears to me, it is competent for the Government to revive and represent by the creation of debentures. It is declared that it is expedient to authorize the Governor in Council to direct the proper officer to ascertain as accurately as possible the amount of the appropriations for permanent works which have been paid out of the Consolidated Revenue Fund, and to credit the said fund for the aggregate amount of the said payments, charging the same in the respective public works; and to issue debentures for the amount of such appropriations. Now, Sir, there can be no doubt but the amount of these appropriations, which have been paid out of the Consolidated Revenue Fund, come up to £400,000. I am satisfied that these debentures will not be issued for sums exceeding £10; but at the same time, they are available means in the hands of the Government to use in case of pressing necessity; and though the present intention may be not to make use of them, still they are there. No Government can tell what pressure may come upon them a few months hence. It is impossible to say but that exigencies may arise when it would be competent to the Government to issue and to circulate these debentures; and even though they do not exceed

£10 a-piece, they become a circulating medium,--at all events an investment,--a species of deposit, which at present rightly belongs to the Banks. It is, in other words, giving the Executive £100,000 of debentures for payments which have been already made; and I humbly apprehend that there is in the first resolution an obligation to appropriate these debentures to the payment of the debts at present existing and already contracted, because the first resolution authorizes "the Governor in Council, from time to time, and as the interests in the public service may require to redeem or to purchase on accounts of the Province, all or any of the then outstanding debentures constituting the public debt of the Province of Canada, or of either of the late Provinces of Lower or Upper Canada, or all or any of the debentures issued by commissioners or other public officers, under the authority of the Legislatures of either of the late Provinces of Upper or Lower Canada, or of the Legislature of Canada, the interest or principal of which debentures is made a charge on the Consolidated Revenue Fund of this Province, and to issue new debentures therefor."--Suppose there was an amount of debentures now in the hands of Messrs. Glyn & Co., and they were desirous of renewing them, would it not be competent to the Government to give them new debentures entirely irrespective of these debentures which it is intended to create by the 8th Resolution? The public debt would not be extinguished by the debentures issued under the terms of the 8th Resolution, but they would remain a capital for the Government to use, as it might suit their convenience or interest. That, it appears to me, is the meaning of the 8th Resolution. I am satisfied that no improper use will be made of these debentures. It may be the intention of the Government to appropriate the debentures issued under the 8th Resolution to the extinction of the public debt; but the power still rests in the hands of the Government, and it is against the conferring of that power that it is my duty now to plead. Before leaving this branch of the subject, I would further direct the attention of the committee to the terms of the second Resolution, which would appear not to compel the Government to receive these small debentures in payment of duties, but merely in payment of such duties as the Government from time to time might deem expedient. The terms of the Resolution, "in payment of moneys payable to the Provincial Government generally, or in payment of such duties or dues and by such Officers of Departments and upon such terms and conditions as the Governor in Council shall from time to time appoint," would lead to the belief that the Government intend that these debentures shall not be received except in payment of such particular duties as it might see fit. I am satisfied such is not the intention of the Government, but at the same time I deem right to direct the attention of the committee to the terms of the Resolution, in order that it may be made more general, and that the Executive may not be invested with the power of limiting that payment to such particular duties as it may from time to time see fit to require payment in. Now, sir, the injustice which the present measure produces to the Banks, I humbly submit, is found in this respect:--it interferes with their circulation and lessens the amount of their deposits,--the two principal sources of their profit. It has been said that the same argument which I now urge against this measure would exist against the establishment of any other Bank with the same amount of capital. But the cases are not at all parallel. We have no objection to the establishment of as many Banks as you please upon the same terms as those which are already incorporated. But no banking institution, by virtue of the law of this Province, can begin banking until a

certain amount--one third--of their capital be paid up in specie; and there is, at all events, this difference, that if they fail to pay up in specie within sixty days, they forfeit their charter; moreover every chartered Bank in this Province is liable for double the amount of the stock. These, therefore, are not at all parallel cases. There is another important feature which characterizes the chartered Banks of this Province--that is the limitation of the amount of circulation of bills under four dollars to, I think, one-sixth of the whole amount in circulation. Now there is nothing in these Resolutions which prevents the Government from issuing the whole £200,000 in one-dollar bills; and it is well known that the smaller the denomination of the bills issued, the greater is the profit derived, as they are more liable to be lost and destroyed. The whole case submitted to the Committee is the proposal of a new Bank issue to the amount of £250,000, without any of those safeguards thrown around the public which are provided for in the issues of other Banks. This measure cannot, therefore, be said to be like the case of the establishment of a new Bank. It is furnished with no check, it is responsible to no Legislature, on the contrary here is an issue of £250,000 of an inconvertible currency. It has been said moreover that the profits of Banks, are lessened by the creation of new institutions, the contrary, Sir, is the case. I would merely refer to the Banking institutions of England and Scotland, I would endeavour to ascertain the increase of Bank capital in these countries, and to see whether it has interfered with the profits of the Banks. In 1826 the Banking capital of Scotland was £4,900,000; in 1840 it was upwards of £10,000,000. Now, Sir, the same author from whom I have derived this information states that the relative amounts of profits have gone on increasing. I have not been able exactly to obtain the figures with reference to England, but I have ascertained that the profits of the Banks now--and they have increased vastly in number--exceed the amount of profits which existed ten years ago, it cannot therefore be said I think for one moment that the increase of Banking capital on the same terms does interfere with the profits of the Banks. I now proceed to show in what manner this circulation would affect the banking interests of the Province; the whole banking capital of this Province is £2,847, 700 it is a remarkable fact that the stock of none of the chartered Banks of this Province is at the moment at par, on the contrary they are at an average discount of 25 per cent, showing also a depreciation of the Bank capital of this Province of £100,000. Now, Sir, I refer to these things for the purpose of showing that the Legislature of the Province ought at this particular crisis to foster and encourage the Banking institutions of the Province rather than interfere with their profits, circulation and deposits. The average dividends which have been paid since the year 1841, since the Bank tax was imposed do not amount to 6 per cent, showing that Banking does not realize the average amount of interest in the profits; now, Sir, in no country do the state of the Banking institutions of which I have been able to have access, have the profits upon the Banking capital amounted to less than the minimum rate of interest in that country, on the contrary they generally far exceed it--by sometimes double the amount but in no country does the rate of interest go below the usual rate. The necessary consequence of the state of things here is that it does not realize to the stockholders the amount of interest which they could otherwise gain by investing their capital in a different manner. Will not the inevitable consequence be, that if their rights and profits are further interfered with that the public will withdraw their investments from the Banks, and we



shall very soon see the whole Banking capital of the country destroyed and brought to an end? The profits ought to be much more because the man who invests his money in a Bank, not only runs the risk of losing the whole of the investment, but he is liable for double the amount, there ought therefore to be some inducement--some corresponding benefit for this risk; on the contrary it does not, and has not for the last six or seven years, realized the ordinary rate of interest. It is true, that in some years it has been above, in others far below it; and it is a notorious fact that there are banking institutions both in this city and in Canada West, that have not, for some half dozen years past, paid a dividend. I believe there are at present two or three bills before the Legislature for a reduction of the capital by one-fourth the amount. That I may not be said to be stating facts on my own authority, I wish to show you, Mr. Chairman, that in all countries with the banking institutions of which we are acquainted, the profits go far beyond the ordinary rate of interest. I shall refer particularly to the United States. England, and Scotland. I shall show, by reference to one or two statistical authorities, that such is the fact. I would begin with the Bank of Scotland. I find that the original capital paid up was £83 a share; it now is worth £200, or nearly 200 per cent. premium. In the British Linen Company's Bank again £100 per share was paid up; it is now sold at £246 per share. And of thirty-one private banks now in existence in Scotland, the average premium at this moment is £150, three-eighths per cent. This information I glean from a good standard work, Hardcastle upon Banks and Banking. Now, Sir, in the United States--I, of course, Sir, do not refer to those banks which have ceased to exist--which have been bubbles from the commencement--which have had no solid state, no capital to start or to work upon--but I refer to those banks which are authorized by law, and which, under the improved system of banking, are recently gone into operation in the United States; it will be found that the average dividends there are something like 10 per cent. on the amount paid--the capital. I will refer to one case which will be found in the Banker's Magazine for this month, I refer to the Bank of Missouri, which is an Incorporated Bank. I find there that the dividend for the last six months has been  $10\frac{1}{2}$  per cent., and I find from statistical information, in the same number of that Magazine, that the average amount of dividends does not come short of that sum which I have just named. In those countries, therefore, it seems manifest that the banking institutions are in a far more flourishing condition, either from the encouragement which the Government has afforded them, or some other reason. I will now show what in this bank, a bank of recent creation, the amount of their circulation and deposits, are--the two principal sources of their revenue; the whole capital of the banks is \$1,100,000; the amount of their circulation \$2,200,000; the amount of deposits, \$1,200,000. The whole deposits of our banks, as I shall presently show, instead of being equal to the capital does not amount to one-quarter, and the circulation, instead of being double the capital, is only half the capital. I have referred to this, not as an isolated instance, but as exhibiting--as far as any researches have been able to discover--the true state of the banking interests of the adjoining Republic. The London and Westminster Bank has been established twelve years--for in making this comparison I will not refer to the Bank of England--which has large privileges, and paid a large dividend of 8 per cent--and found that last year it had paid 6 per cent. dividend, besides a bonus of 2 per cent.; yet, the whole paid up capital of that bank was but £800,000. Now what was the amount of the desposits

with that capital? No less then (sic) £3,280,000, or three times the amount of paid up capital; and the reserved fund, during that twelve years, had amounted to £980,000. I have no accounts of the circulation of this bank, but I believe it corresponded with the institution to which I had referred. Now, what is the circulation of our own banks, for I wish to show by figures that the depressed state of the banks in this country makes it imperative on the Legislature to pause before it passes a measure to deteriorate still more that interest? The present circulation of all the Canadian Banks, possessing a joint capital of £1,000,000 is but £1,245,000. So that the circulation hardly exceeds the capital. It is then evident, that if one quarter of this circulation is to be taken away by the issue of debentures, the profits of banking must be reduced in the same proportion--indeed in a greater proportion, because no bank can compete with Government, if Government is authorized to issue a circulating medium, without paying up any capital as a preliminary, or going to those other expenses incidental to the business, as carried on by the existing institutions. I believe the cost of issuing in England is about 28 or 30 per cent. There can be no doubt the cost in Canada is much higher, because here at certain seasons of the year it is necessary to keep a quantity of bullion constantly provided, in case of any sudden demand,--whereas in England bullion can always be procured when wanted,--because, too, the large number of small notes in Canada render a brisk demand for specie much more probable. However, I will take the cost at the same as it is in England; but to this I must add 1 per cent. for the bank tax that amounts to about  $2\frac{1}{2}$  per cent; and neither of these items will it be incumbent on the Government to pay on the debentures which they propose to issue. Is it not plain, that the bank circulation must be very much diminished, even if there be no issue of debentures for actual circulation under the provisions of the 8th Resolution? It is, however, by no means clear that these debentures will not be issued as well as the rest. Does this Committee believe that no emergency will arise that will force the Government to bring them into circulation, for example, for local works? Will not a Government with £400,000 of debentures lying useless by them,--will they not be compelled to yield to the demands of the country, that this money may be made use of? It appears to me, too, that no Government will be able to manage business like the issues without a special department; and there can be little doubt, that when the debentures come to a discount, as experience has taught us that they must, such a department will feel bound to endeavour again to restore the value to pay and in order to do so, will perhaps declare debentures a legal payment for all purposes. I am answered perhaps that this is not contemplated; but was it ever contemplated by Lane, when he established the Bank of France, to declare assignats a legal tender, or to issue paper to the amount of £7,000,000 sterling? No; that was no more in Lane's contemplation than it is now in the contemplation of the Government to make these debentures a legal tender. Yet the one thing was done, and the other may be done. We ought at least to be warned by the disasters of those times--disasters which ended in the assignats being sold for one thousandth part of their nominal value so that a louis-d'or would pay for the breakfast of six persons, while it required several thousands of francs in paper to discharge the same debt. But this is not all. The Government, overwhelmed with the difficulties of this depreciated currency, at last compelled the holders of the assignats to receive terminable annuities in payment for them. Now, this feature



is extremely like one which I observe in the present resolutions, for one of them appeared to be expressly for the purpose of enabling Government to create terminable annuities.--If these debentures then shall go below par will not the Government as the next step force the holders to accept these terminable annuities in payment? The views which I advocate are not new, they have been already placed before other Governments, by men well acquainted with these matters; and to show that they are so, I will refer to Mr. Hamilton's report on the United States Bank, where the consequence of inconvertible paper issues are clearly pointed out. Mr. Hamilton first showed that the only true measure of the amount of paper to be issued, was to be found in its inconvertibility; for with that principle in operation the issue could never exceed the demand, but that if such paper were inconvertible, the supply might go on far beyond the demand, and would then fall to a discount from which it only could be restored by some extraordinary legislative measure. In a subsequent part of the report, Mr. Hamilton said:--"Human wisdom has never devised any adequate security against excessive issues, but its actual, and easy, and prompt convertibility into specie, at the pleasure of the holder." In another place he said:--"The Government, therefore, which is under the most sacred obligation to restrain all the banks to maintain specie payments with a view to uniformity and soundness of currency, would, by its own example, perpetrate the great national evil of a fluctuating and depreciated circulating medium." Mr. Soundes said in 1812 "that the deduction of the (United States) Bank, would be followed by the establishment of paper money he firmly believed; he might almost say he knew. It was an extremity from which the House would recoil if now proposed."--I now have to ask the attention of the Committee to the fact, that should the Banks suspend specie payments for a few weeks, they forfeit their charter, while by this Bill Government might issue paper to the extent of £700,000, without a pound of capital. This excessive issue cannot fail to have a most detrimental effect on the community. All know what convulsions took place in 1798, 1814, and again in 1825; and most men are aware that the cause of those calamities to the monetary institutions of Great Britain was the excessive issue of paper without the guarantee of convertibility. Alison remarks, in his "England; "--"There can be no doubt that the far greater facility of throwing off and issuing Bank notes or other commercial securities than purchasing bullion and coining money affords much greater temptation to putting into circulation an excessive quantity of paper, and consequently rendering it redundant, and raising prices of all the commodities of life. It is equally certain that when this paper possesses by law a forced value--that is, may be legally tendered in payment of debts by the holder at the rate at which it is issued by Government, and the Exchequer is under no obligation of taking it up with the precious metal--it may, when so depreciated, afford debtors the means for an inferior and often illusory consideration of discharging their debts, and thereby occasion a ruinous loss to creditors, and inflict the most dreadful evils on society. That was the case in an especial manner in France, the government of which country, during the revolution issued assignats on a few years to the amount of £750,000." It is clear that the opinions of a man of so much practical knowledge as Alison should not be disregarded. He continues--"If notes are issued by Government possessing a forced circulation, and not exchangeable for the precious metals at all, like the assignats of France, or the Bank of England notes during the suspension of cash payments, there is



doubt the circulation may be depreciated to any extent." He goes on to show that where Governments issued paper without the guarantee of instant convertibility, these evils naturally followed. But these are not all the authorities. What, I ask, was the conduct of Sir R. Peel, when he remodelled the Bank of England charter? It is apparent that the course of Government had been prejudicial to the other banking interests of the country; but how were they now treated? They were told that if the (sic) would give up their own issues and circulate Bank of England notes, they should receive 15s. per cent., and with regard to those which would not give up their circulation, it was provided that their circulation should not exceed what it had been two years previous--so careful was Government of the interests of these institutions. But the effect of the measure now proposed must be, that as the banks have to pay one per cent. on their circulation, as large a sum of their paper would be forced out of circulation, as might be issued by the Government free from any tax. Now, when the House remembers the nature of the business transacted by the private banks in England previous to 1842--that they carried on business without a single shilling in their vaults--that the whole capital of some of these banks consisted only of two or three race horses--that some of the proprietors had lived forty years at the rate of £2,500 per annum on the deposits in their hand--which, I say, the House remembers these things, it will appreciate the careful manner in which the English Government abstained from interference with the privileges previously granted to these institutions. It is a popular impression that the effect of Sir R. Peel's bill was to force on the country a circulating medium not guaranteed by the principle of convertibility. But in truth, since the passing of this bill the bullion in the vaults of the Bank of England has been larger in amount, than it ever was before. In July 1846 the circulation was £15,000,000 and the coin and bullion on hand £20,000,000; on another occasion the circulation was £9,000,000, and the coin and bullion on hand, £8,000,000. I will not trouble the House with longer remarks on that subject, but merely quote from an article in the Economist, the organ of the free trade, anti-bullion party. "No one doubts, says the Economist, the security of consols warrants, or bars of gold, and no system, however perfect and attractive in other respects, which does not possess this important quality, should be listened to for an instant. Whatever plan therefore may be found most perfectly to guarantee the convertibility of our paper should be adopted; nor shall we propose any system that may by any possibility destroy it." So that in England where exchequer bills would any day command their amount in coin or bullion, so strongly has government adhered to the principle, that all issued should be guaranteed by convertibility, that to this day the point has never been given up. I find the following in Hansards reports, from the present Under Secretary of state for the Colonies. "Another feature in the right hon. baronet's scheme and to which I have already had occasion to allude to, is the tendency to the establishment of a single bank of issue, to which I conceive there are insuperable objections.--Anything that tends to connect the State with banking has always been productive of most disastrous consequences. If we permit banking to be mixed with party politics, we shall have all the evils which resulted from such a course in America,--evils which we have hitherto escaped altogether. No man now thinks of asking if a bank director is a Whig or Tory; but this will cease to be so, if the right hon. baronet should succeed in his project of a single bank of issue." That was the opinion of Mr. Hawes in opposition to Sir Robert

Peel's plan for remodelling the bank charter. He objected to placing the currency of the country in the hands of the Government; but this bill will tend much more surely to that end, for it gives to Government the entire control of £700,000 of debentures. Is not this an monstrous money power to place in their hands? I ask this question for the good of the community, not from any hostility to the Government. My clients disclaim all such feeling. They are aware too, that their interests must and might be regarded as subsidiary to those of the Province at large; but I do desire on their behalf to urge the necessity, before this measure be finally adopted, of appointing a Select Committee to inquire into all the facts from men possessing a competent knowledge of banking, and some knowledge of government. I beseech the House to make this inquiry before the bill be passed, for the debentures once issued, there will be no means of getting them back without some extraordinary legislative enactment. The debentures already issued, though only to a very small amount, have fallen to five per cent. discount, and of course this loss must fall on some one. Before the country is flooded with similar debentures, and further loss incurred, there ought certainly to be a mature and prudent consideration on the part of all who have the welfare of our monetary institutions at heart. What will become of the agriculture of the country if you ruin the banks? Thousands of pounds are employed in Upper Canada in the purchase of agricultural produce. What would be the effect of this capital by increasing the circulating medium, that is the thing which all along I have attempted to show the extreme danger of doing by an inconvertible currency.--But if it will not have this effect, then I complain of the injury which must be done to the Province by forcing so large an amount of capital out of it. But I contend further, that this measure must eventually have the effect of bringing about the establishment of a Bank of Issue. The proposition made by Lord Sydenham, with the view to establish such a Bank, did not, however, contemplate any such thing as an inconvertible currency.--His design, as may be seen by the note at the end of his biography, was to have the notes to be issued guaranteed by a proper reserve of bullion, and showed that any Government which desired to create a circulating medium of paper money, must take care that the entire issue is represented by a certain amount of coin and bullion. Lord Sydenham desired one-fourth of the entire issue should be thus represented. But what is this proposition but a proposal for the nucleus of a Bank of Issue. We are told that the amount to be issued is but £250,000; but there is the principle, the only difference between this plan and that of Lord Sydenham's consists in this, that the latter secured the convertibility of the issues. No matter whether the debentures were for large sums or small ones, this must naturally affect the deposits in banks. Now the total amount of deposits in all the banks is but £712,000, or about equal to one-fourth of our whole banking capital, whereas in Scotland the principle on which banking is carried on, is to work on the deposits, and on them alone, without calling up the capital. The London and Westminster Bank had but £800,000 of part of capital, yet its deposits was £3,200,000 in the same way the bank of Missouri with £1,100,000 of capital had deposits to the amount of £3,000,000. Banks ought, indeed, thus to work upon their deposits, but this bill will lead greatly to diminish those deposits already so small. If you are, however, thus to continue by every new bill to scorn the amount of banking capital in the country, the effect of it all will be that just in the same proportion, you will lessen the prosperity of the Province, since



it is well known that of all capitals, banking is the most reproductive. But the hardship in this case is doubly great when we consider that the banks are compelled to pay the high tax of one per cent. in their issues, and that at the time the stockholders invested their money they did not expect to have to pay this impost. There was virtually a contract between the Government and the individuals who founded these banks; the Government granting to these persons whatever profits they might make. The imposition then of this tax has deprived them of these profits, and it is particularly hard upon two of these institutions--the Bank of Upper Canada, and the Commercial Bank--because they were incorporated before the tax was imposed. They are restricted from issuing more than a certain quantity of small issues--if they suspend payment for sixty days they forfeit their charter--and there are various other conditions, in their acts of Parliament tending to restrain their operations. Now do not these very reservations show that the Legislature did not intend to make new ones? Do they not show that the rights once granted ought not to be infringed? I acknowledge it can never be permitted that any Legislature has renounced the right of taxation when it has accorded a charter; but taxation is one thing, and the limiting of a right another. Taxation in this case is a different taxation in all other cases. When you tax the tailor or bookseller, the loss falls upon the consumer, but with the Banks, you have prevented them from taking more than a certain rate of interest; you prevent them from increasing their charges, while you directly diminish the income of this particular class. Now in granting anything, the grantor makes a waive of all his rights in favor of the grantee; then if the Legislature has given to certain individuals the right,--not to carry on business, but to receive the profit of that business,--has he afterwards the right to turn round and say, "You may take a profit, but you must pay part of it to me." Suppose a tavern keeper has obtained a license, after giving solid consideration, would it not be a palpable injustice to make the man pay his just profit to the Parish; yet where is the distinction between that case and the present? Certain Banks have immunities conferred upon them, and then the Legislature steps in to deprive them of their profits. Now I will show how monstrous this is. This one per cent amounts to a sum equal to ten per cent on the dividends paid by the Banks to the shareholders, while the English Income Tax, so much complained of, is but three per cent. Nor is it only domestic capital that this evil presses, for a large portion of the banking capital of the country consists of foreign investments. These amount, out of a capital of £2,800,000, the entire capital of the country, to no less than £997,000, or one-third of the whole, which comes from England and the United States. It is obvious that if these parties find that they are not receiving an adequate recompense for their money, they will withdraw their capital, which will be lost to the community. It may be said, that, in addition to the three per cent income tax, the English Banks are obliged to use stamps; but to show that this is very trifling, I remark that the whole of the stamp duties added to the paper and printing, cost only about 13s. 9d. per cent on the amount of the issues, which was but 6s. 6d. for stamps, or about  $3\frac{1}{4}$  per cent; and that in the country where taxation is so much greater than here. But there are many reasons for imposing a tax on banking in England which do not exist in Canada. For instance, there capitalists are unable to find means of employing their capital to advantage, whereas here we have no difficulty in finding



investments. It is a matter of no small consequence if £900,000 of capital is to be lost to the country. Nor is this measure one which is compelled by necessity. It has been shown lately, by the Hon. President of the Council, that we are now in a fair way of paying off the public debt. Cannot the Government, then, obtain the amount which may be necessary from the banking institutions of the country? Have those institutions ever shown themselves averse to come to the assistance of the Government? I would remind hon. members that during the progress of the Welland Canal, when the works were about to be stopped, the Banks repeatedly came forward to aid the Government. Even a short time ago they advanced £60,000; and I ask again whether such a sum as £250,000 could not be obtained. It was shown a few days ago that the revenue from one single canal would pay off the entire public debt before the year 1862, and that even next year we may place a large sum to the credit of the sinking fund. If that is true, why interfere with the monetary institutions of the country? surely there is no want of circulating medium in the country; it is not circulation but capital that the country requires. If this money can be procured in no other way, why does not the Government do, as they do in the United States--as the central Government of the United States had done on similar occasions. There I believe, it is a common practice for the Government to take part of the stock of the Bank, as was done with the Bank of the United States, and the Bank of Louisiana, the latter of which paid 9 per cent dividend. Government leaves the entire controul there to the other shareholders, and here as there, I know that there are monied institutions which upon the same method being adopted would willingly come to the help of the Government. This subject Mr. Chairman, is so foreign to the ordinary current of the ideas of a professional man, that I cannot hope to have done justice to it; but I feel it to be of so much importance that I trust the opinions of all persons in the country connected with finances will be taken, before the measure now before this Committee is adopted. I have avoided many details, which might have been useful in considering the subject; but my clients are confident that this measure is sincerely intended to promote the interests of the Province, and I feel well assured that the utmost diligence and prudence will be exercised before an irremediable decision is arrived at.<sup>44</sup>

MR. INSP. GEN. HINCKS moved that the first resolution should be passed. As the hon. member for Huron had no objection to it, he hoped there would be no necessity for any discussion.<sup>45</sup>

The first resolution ... ((was)) carried<sup>46</sup>.

MR. INSP. GEN. HINCKS rose to move the adoption of the second resolution. He would make a few remarks in reply to the learned counsel who appeared at the Bar, but without attempting to follow him throughout the whole of his<sup>47</sup> long speech, for he had stated a great many things foreign to the argument.<sup>48</sup> It was evident from the learned gentleman's argument, that this measure was intended to militate against the interests of the banks. He denied that altogether, and he thought it might easily be proved that it would not do so. But even if it should affect their interests, he did not think they had any right to remonstrate against the issue of the Government Debentures, when they were intended to assist in carrying on the Public Works. The learned gentleman had argued the whole question on general principles, in which he supposed he had acted correctly, and he (Mr. Hincks) agreed with him perfectly

in many of his remarks.<sup>49</sup> But he thought, at the same time, that he had gone beyond his instructions.<sup>50</sup> He (Mr. Hincks) stated the first time he had introduced the resolutions, that the Government deprecated as much as any person could do the necessity for issuing debentures, but the necessity for doing so was pressing<sup>51</sup> and they felt that, to carry on the Government, they must issue Debentures, and it was their intention to call them in as soon as possible. £130,000 was the total further amount authorized to be issued by the Resolutions.<sup>52</sup> Now, if there was an impression either in the House or out, that the Government, in issuing those debentures, were actuated by a spirit of hostility against the banks, he could assure the House the Government had no feeling of the kind. They, as he had already said, only adopted it because they had not been able to negotiate loans in the English market to carry on the Public Works, and it was desirable that the power of raising money should be conferred upon the Government, when that was the case, in order to carry on their affairs. As to the Government entering into competition with the Banks, by the circulation of their debentures, it would be necessary to look at the statements issued by the learned counsel. He had stated that the expense of circulation cost the banks one and a half per cent. The authority of the hon. member for Montreal, he believed, was as good as could be procured respecting banking operations, and he informed him, (Mr. Hincks) that it was rather less than one and a half per cent; however he was willing to admit that the expense exceeded what it was stated to be by the learned counsel, and he was willing to admit that it amounted to two per cent. That, he believed, would be generally admitted to be quite sufficient to cover all expenses; to that one per cent for bank tax should be added, which would make three per cent,--a very large allowance for all expenses,--and even then it would be found that the net profit would be three, and in some instances nearly four per cent. Now he would take the returns of the Bank of Montreal, which showed that within a very few years the profits of that institution amounted to £118,000, and the tax paid by Government amounted to £29,000. And there he would remark, in connection with the bank tax of one per cent, that he did not think it a very hard thing for one institution, which, by its charter, possessed privileges in common with other banks that no other class possessed--that of making their bills pass for the same value as specie, and which drew £118,000 out of the pockets of the public in a short space of time,--to pay £29,000 to Government for the enjoyment of that privilege. The learned counsel had mixed up another question with this, by saying that banking capital was not as productive in this country as it was in some others, which he (Mr. Hincks) would not enter into, as it seemed to him to be quite foreign to the subject; but another part of his argument was not liable to the same objection. He argued, that in the issue of this paper money, the Government would have a great advantage over the banks, in consequence of not being liable to the bank tax. Now, the first thing to be considered was, did the tax of one per cent operate as a fixed tax, by preventing any bank from issuing its notes? Certainly not. For although he had taken the highest estimate of the expense of putting bank paper in circulation, yet he had shown that they realised three per cents, net profit on the amount they had in circulation, and consequently the banks would keep as large a number of notes in circulation as possible, in order to obtain that profit. And he wanted to know if they would not do the very same thing, no matter what amount of debentures the Government might issue. Or to express it in other words the effect produced

on the banks at present in existence, by the issue of these debentures, would be exactly the same as if a new bank were chartered, and issued notes to the amount of £250,000. Now, supposing that this sum of £250,000 were put in circulation at once, it would have the effect of diminishing the aggregate circulation of the other banks by one twentieth. He had no doubt that if a new bank were chartered with a paid up capital of £500,000, it would, if well managed, obtain a circulation equal in amount to what he had stated, and therefore, have precisely the same effect upon the issues of the other banks, as the circulation of Government Debentures would have. But, in fact, what influence would such an issue have upon the plans of any bank in Montreal. He contended that it would not affect them one iota, for as he had already shown it was for their interest to keep as large a sum in circulation as possible, in order to procure the profit of three per cent. On the whole, he did not think that the present was the time for taking up the question of reducing or doing away with the tax of one per cent. But he would remark that he did not concur in the opinion, that it was such a very unjust tax as some people seemed to think; nor could he agree with the other opinion, that it would be more correct to transfer the tax from the circulation to the bank stock, as that would be in reality imposing a tax on the investment of capital in a particular branch of business. For several other reasons he had viewed any such change with dislike for some time past, and in fact, never could consent to it. The learned Counsel had asserted that the action of the Government would have a material effect on the circulation of the banks, and had contrasted it with the state of affairs in England, where he insisted such interruptions never took place, The learned Counsel could scarcely have remembered the time when Sir Robert Peel introduced his Bank Charter Bill, and the Bank of England was restricted in its circulation by act of Parliament.--Such restriction had never occurred in this country; and if it had, he did not see the slightest doubt that the Bank Directors would feel very much alarmed; but the Government did nothing of the kind. They did not attempt to interfere with them in any way or to restrict their circulation, and all Government required was the right to circulate notes themselves. The learned Counsel had said that the Bank would have been ready to advance the amount required to the Government, provided the debentures were not issued. He (Mr. Hincks) was perfectly confident that was the case, for he had on all occasions found them willing to assist the Government; but in his opinion, there were good reasons against such a proceeding; and he very much doubted if any man who knew the state of business throughout the country would desire the Government to make such a heavy draft on the resources of the Banks, and consequently diminish their discounts to the commercial community at a moment when it would necessarily occasion great inconvenience.<sup>53</sup>

MR. DEWITT asked one question. He wanted to know how the hon. gentleman was going to redeem the debentures?<sup>54</sup>

MR. INSP. GEN. HINCKS.--The very first moment it was possible for the Government to obtain a loan, they intended to call them in; and, as he had before stated, the only reason why they issued them now, was because they could not obtain a loan at the present time.<sup>55</sup>

MR. CAYLEY said, that if the Solicitor for the Banks had been led into any error with regard to the intention of the Ministers in introducing the 8th clause of the Resolutions, it was entirely attributable to the terms in



which that Resolution was worded; but one interpretation could be put on it, namely, that the Government asked for authority to issue Debentures to the full amount of the sum advanced from the Public Chest for permanent Public Works. That amount would be nearly the whole surplus revenue of the Province for the last five years--in short, nearly half a million. He would read the clause, and leave the House to judge: "That it was expedient to authorize the Governor in Council, to direct the proper Officer to ascertain, as accurately as possible, the amount of the appropriations for permanent works, which had been paid out of the Consolidated Revenue Fund, and to credit the said Fund for the aggregate amount of the said payments, charging the same in the respective Public Works, and to issue Debentures for the amount of such appropriations," &c. The Inspector-General had since explained that the intention of the Government was to ask for no more than was necessary to meet the charges placed upon the Public Revenue by previous votes of Parliament, and to restore the amount that had been borrowed from other special funds, and that the whole amount was within £200,000. To return to the discussion of the 2nd Resolution, then before the Committee, he (Mr. C.) contended that the powers asked for by that Resolution--of issuing small Debentures, or Notes, for it was practically nothing else, ranging from five shilling to ten pounds, went directly to interfere with the circulation of the Banks. The Hon. Inspector-General had asserted that there was no difference, as regarded the Banks, between the course which the Government intended to pursue, and the chartering a new Bank, to which the Banks then in operation had no right to object, and that in either case the Banks would endeavour to keep out as large a circulation as they could. He (Mr. C.) contended that there was a very important distinction, inasmuch as a new Bank would be subjected to the same regulations and restrictions with the Institutions then in operation, would be compelled to adopt the same mode of putting paper in circulation, would be restricted with regard to the amount of small Notes in proportion to the large, and would be compelled to settle each week or fortnight with the other Banks in specie or exchange, if it attempted to force a larger issue than its business was calculated legitimately to sustain. None of these restraints or checks would operate upon the Government issue. By the powers to be granted under the proposed Act, the Government would not be called upon to protect their issue, or redeem in specie. If their paper fell into the hands of the Banks, it could not be converted on settling days, it would be rejected by the foreign trader, say in the purchase of Wheat or Grain from the States, as worthless paper, and the demand would consequently fall more heavily on the Banks for specie and exchange, and these bodies would thus be compelled to pay for the Government issue, from which they sustained nothing but injury. The Hon. Inspector-General had dwelled strongly on the privileges which the Banks enjoyed, and that it was but just to the community that those privileges should be paid for. Was it to be understood that the Bank Charters were confined to certain highly favored individuals and that the public generally were excluded from holding stock? Look at the price of Bank stock, was it at par in any Bank in the country? Was there not a large amount of unsubscribed stock daily offered for sale? And the measure then before the House, if persisted in, would tend still further to depreciate the Bank stock. It was well known that the circulation and the deposit account were two important sources of profit to the Bank. The Government issue, while it escaped all that was hazardous or unprofitable in Banking, would interfere most materially with the profits of the more legitimate Institutions. The Government, in the ingenious mode of banking

which it has chalked out for itself, had nothing to fear from bad debts, while it took all the cream of the business. The Hon. Inspector-General had spoken in glowing terms of the large profits of the Banks, but if he had looked more closely into the subject, and examined the books, he would have found large sums carried from year to year to the credit side in the various Banks, which might have been written off long ago among the bad debts. Banking Institutions formed a portion of the trading community, putting out their capital like other mercantile bodies, and liable to fluctuation and loss, and were consequently entitled to expect larger returns than what Consuls, or other funded property, would yield, secured on the general resources and wealth of a country. Much had been said in debate the previous evening on the impossibility of inviting foreign capital into the Province. The hon. member for the North Riding of York, and the member for Norfolk, had given sundry reasons why such was the case, that the Province was so distant from Europe, the value of land, and the titles to property not understood--how really stood the fact? The Solicitor for the Banks had that evening shown, from accurate Returns, that upwards of one-third of the Bank stock of the country was at that moment held by parties in Europe, or residing out of the Province. In fact, every one would clearly see that strangers desirous of investing money in the Province, with the view to obtain larger returns than what the stocks yielded in England, would naturally select Banking Companies, governed by certain well known principles of trade, to whom to entrust their property; and it was those very Institutions--the natural channel through which foreign capital had hitherto been brought into the country--against which the measures of the Government were now directed. Those Institutions had already been burdened with as much as they could bear; the price of Bank stock showed that clearly, and additional burdens or impediments like the one before the Committee, might lead foreign Stockholders to withdraw their capital, and prefer a certain loss, or the winding up of the Bank, to continuing an investment which promised a return very inadequate to the risk; far better would it be for the country, and the revenue too, to open every channel for the introduction of foreign capital, than to persist in a hazardous financial experiment, which said little for the credit of the Province, and which nothing but positive necessity could justify. Before quitting the subject of the Banks, he (Mr. C.) would express his hope that it was the intention of the Hon. Inspector-General to have a conference with the managers, and ascertain if it were not possible to offer some arrangements for the withdrawal and discontinuance of the Government issue. He would gladly move an adjournment of the debate for that purpose. There were several grounds on which such an arrangement might be based--the entire or partial abandonment of the Bank tax, at all events to the amount of specie held by each Bank to protect its issue, or to the amount of the issue put forth by the Government, and the amount to which the several Banks would be affected. He feared, however, the Hon. Inspector-General was not disposed to abandon his scheme. But the Hon. member had stated that it was his intention, so soon as the Provincial Debentures could be negotiated in England, to take up that spurious issue. He was glad to hear so much, at all events, as he considered that the Government could not have taken a more unfortunate course, as regarded the credit of the country, than the one they had adopted, and which, if persisted in, must prove most disastrous to the reputation of the Province. As an alternative. he (Mr. C.) would far prefer the course suggested by the Hon. Inspector-General in his communications to Messrs. Baring Brothers,

of issuing Debentures bearing higher rate of interest than 6 per cent., and which, he presumed, had been made with the sanction of his colleagues.<sup>56</sup>

MR. INSP. GEN. HINCKS begged to put the hon. member right, he had not offered to issue Debentures bearing a higher rate than 6 per cent.<sup>57</sup>

MR. CAYLEY.--He had certainly strangely misunderstood the Hon. Inspector-General. He had not the letter by him, but he had most certainly drawn that inference from what the Hon. Inspector-General had read.<sup>58</sup>

MR. INSP. GEN. HINCKS could tell the hon. member what he had written. He had asked, if Debentures, bearing interest at 6 per cent. were not negotiable, whether Debentures at a higher rate would be? And he would also inform the hon. member of the answer to the question, which was to the effect that if sixes were not negotiable, no higher rate would be.<sup>59</sup>

MR. CAYLEY did not quite acquiesce in that doctrine, of course he did not mean that Debentures above the legal rate should be issued; but if the legal Provincial rate of interest on money were raised from 6 to 6½ or 7 per cent; he assumed, that, where it was a question of return and not of security, the higher rate would prove the most saleable, and he based his argument on the information the House had recently received from the Hon. Inspector-General, that the Provincial Debentures, bearing 6 per cent., were selling at par in England, not so the fives, that showed clearly that it was a question of return and not one of security, had the security been doubted, the sixes would have proved equally unsaleable with the fives. To test, however, the sincerity of the Hon. Inspector-General, in his intention to withdraw the small Government notes at the earliest possible moment, he would move, in amendment, that the limit to the issue be fixed at £125,000 in lieu of £250,000, and that one-half be withdrawn at the close of the year 1849, and the whole withdrawn at the close of 1850. This would give the Hon. Inspector-General time to bring the new tariff into operation and apply the increased revenues to the redemption of the paper.<sup>60</sup>

MR. INSP. GEN. HINCKS moved the adoption of the fourth resolution, which gave into the hands of Government the power of disposing of the annuities for the purpose of forming a sinking fund, for the payment of the Provincial debt. If the project succeeded, it would have a very happy effect on the interests of the Province, and although he must say he was not too sanguine, yet he was anxious that Government should have the power in its possession.<sup>61</sup>

Some conversation ((ensued)) respecting the nature of terminable annuities.

MR. CHRISTIE ... ((was)) very much disposed to think that if he voted for the clause he would sanction a system of gambling<sup>63</sup>.

It was carried without amendment.<sup>64</sup>

MR. CARTIER then rose and addressed the House at some length, but we regret that the temporary absence of our French Reporter from the box, precludes us from giving the remarks of the hon. member.<sup>65</sup>

MR. ROBINSON complimented the hon. member for Vercheres on the opinions he had expressed on the subject of public improvements; the hon. member had declared that for one he did not care for this debt, that it would soon be paid, and that he would rather have the debt than be without these canals;



he had also paid a very high and just compliment to the hon. member for Lincoln for the active part he had taken in promoting those improvements. He (Mr. Robinson) entirely concurred in those sentiments, and if the hon. member would speak these sentiments to his countrymen and propagate these opinions he (Mr. Robinson) should not despair of the Union.<sup>66</sup>

MR. CHAUVEAU followed, in French, a reply to Mr. Cartier and in defence of Mr. Papineau.<sup>67</sup>

DR. NELSON next addressed the House, and bore testimony to the patriotic and enlightened views of his hon. friend from Vercheres. He hoped that the baneful spirit which had so long paralyzed the energies of this country, and of Lower Canada especially, and made the Province a byword and reproach, would very soon pass away. We have too long been in a state of supineness and inactivity. The hon. member then replied at some length to the speeches of the hon. members from St. Maurice and Quebec, which we have been unable to report.<sup>68</sup>

Some words ((came)) from MR. AT. GEN. LAFONTAINE<sup>69</sup>.

The resolution as amended was adopted.<sup>70</sup>

The 7th Resolution was adopted without debate.<sup>71</sup>

The remaining resolutions were then adopted with slight verbal amendments, but without much discussion.<sup>72</sup>

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and after some time spent therein,

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Mr. Speaker resumed the Chair;

And Mr. Morrison reported from the Committee, That they had heard Counsel in support of the Petitions; and that the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

Ontario Marine  
and Fire Insur-  
ance Company  
Bill.

The Order of the day for the second reading of the Bill to incorporate the Ontario Marine and Fire Insurance Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday

next.

Commutation  
of Tenure Bill.

The Order of the day for the House in Committee on the Bill to amend the Act passed in the eighth year of Her Majesty's reign, intituled, "An Act the better to facilitate optional commutation of tenure of lands en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier," being read;

The House accordingly resolved itself into the said Committee.

Mr. Boulton, of Toronto, took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Boulton, of Toronto, reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Monday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Price, seconded by the Honorable Mr. Attorney General Baldwin,  
The House adjourned.

FOOTNOTES: 15 MARCH 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 19 March 1849; LA MINERVE, 19 March 1849; and PILOT, 16 March 1849, and GLOBE, 24 March 1849, in accounts identical except that GLOBE omitted one speech and abbreviated another. When necessary the GLOBE will be used in place of the PILOT.
2. GLOBE, 24 March 1849.
3. MONTREAL GAZETTE, 19 March 1849.
4. GLOBE, 24 March 1849.
5. MONTREAL GAZETTE, 19 March 1849.
6. GLOBE, 24 March 1849.
7. MONTREAL GAZETTE, 19 March 1849.
8. PILOT, 16 March 1849.
9. LA MINERVE, 19 March 1849.
10. PILOT, 16 March 1849.
11. MONTREAL GAZETTE, 19 March 1849.
12. PILOT, 16 March 1849.
13. IBID.
14. IBID.
15. IBID.
16. MONTREAL GAZETTE, 19 March 1849.
17. PILOT, 16 March 1849.
18. MONTREAL GAZETTE, 19 March 1849.
19. PILOT, 16 March 1849.
20. MONTREAL GAZETTE, 19 March 1849.
21. PILOT, 16 March 1849.
22. MONTREAL GAZETTE, 19 March 1849.
23. PILOT, 16 March 1849.
24. IBID.
25. IBID.
26. MONTREAL GAZETTE, 19 March 1849.
27. PILOT, 16 March 1849.
28. MONTREAL GAZETTE, 19 March 1849.
29. PILOT, 16 March 1849.
30. MONTREAL GAZETTE, 19 March 1849.
31. PILOT, 16 March 1849.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. The debate on this matter was reported by: MONTREAL GAZETTE, 19 March 1849; LA MINERVE, 19 March 1849; and PILOT, 16 March 1849, BROCKVILLE RECORDER, 22 March 1849, HAMILTON SPECTATOR, 24 March 1849, GLOBE, 24 March 1849, and PROVINCIALIST, 26 March 1849, in accounts identical except that BROCKVILLE RECORDER did not report Rose's speech, and GLOBE and PROVINCIALIST have slightly different accounts than PILOT. MONTREAL GAZETTE, 16 March 1849, noted the debate. Commentaries appeared in STANSTEAD JOURNAL, 22 March 1849, which acknowledged MONTREAL TRANSCRIPT as its source, and PILOT, 19 March 1849. The PILOT, 16 March 1849, noted: "The extreme length of our reports of the proceedings of the early part of the evening has compelled



us somewhat to abridge the speeches of hon. members who rose late in the evening."

37. PILOT, 16 March 1849.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. MONTREAL GAZETTE, 19 March 1849.
49. PILOT, 16 March 1849.
50. MONTREAL GAZETTE, 19 March 1849.
51. PILOT, 16 March 1849.
52. MONTREAL GAZETTE, 19 March 1849.
53. PILOT, 16 March 1849.
54. IBID.
55. IBID.
56. MONTREAL GAZETTE, 19 March 1849.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. PILOT, 16 March 1849.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.

FRIDAY, 16 MARCH 1849.

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Quebec Provident and Savings Bank.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Quebec Provident and Savings Bank, received in conformity to an Order of this House, of the 25th January last.

Appendix (P.)

For the said Statement, see Appendix (P.)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Macdonald,--The Petition of W. G. Chambers, of Kingston.

By Mr. Bell,--The Petition of John A. Gemmill and others, of the District of Bathurst.

By Mr. Davignon,--The Petition of the Municipal Council of the County of Rouville.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Richard M'Connel and others, Merchants interested and engaged in the Lumber Trade, residing on the Ottawa River; praying that no alteration may be made in the Law relative to the measurement of Timber at Quebec.

Of W. F. Witcher and others, of the Town of Sherbrooke; praying for the abolition of punishment by death.

Petition of J. Painchaud and others.

Ordered, That the Petition of Joseph Painchaud, Esquire, and others, Members of the Medical Profession, of Quebec, be referred to the Select Committee to which was referred the Petition of B. H. Charlebois, Esquire, and others, Physicians and Surgeons of Lower Canada.

Of the Revd. J. D. Déziel and C. Bourget;

Ordered, That the Petition of the Reverend J. D. Déziel, President, and Charles Bourget, Secretary, on behalf of a Public Meeting held at Pointe Lévy, be referred to the Standing Committee on Railroad and

Telegraph Line Bills.

Of the Revd. T. Cholette and others;

Resolved, That the Petition of the Reverend T. Cholette and others, of the Parish of St. Polycarpe, County of Vaudreuil, be referred to a Select Committee composed of Mr. Mongenais, Mr. Jobin, Mr. Taché, Mr.

Bouthillier, and Mr. Fortier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of the Desjardins Canal Company;

Ordered, That the Petition of the President and Directors of the Desjardins Canal Company, be referred to the Standing Committee on Standing Orders.

Of the Provincial Agricultural Association of Canada West, referred.

Ordered, That the Petition of the Provincial Agricultural Association of Canada West, be referred to the Select Committee to which were referred the two Petitions of John Clark, Esquire, on behalf of the Niagara District Agricultural Society.

Les Clercs Pa-  
roissiaux Bill.

Mr. Armstrong reported from the Select Committee on the engrossed Bill from the Legislative Council, intituled, "An Act to incorporate "Les Clercs Paroissiaux ou Catéchistes de Saint Viateur," in the Village of Industry, in the County of Berthier," That the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Report on Peti-  
tion of G.  
Thomson and  
others.

Mr. Wetenhall, from the Select Committee to which was referred the Petition of George Thomson and others, of West Flamborough and other Townships in the District of Gore, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee, in obedience to the order of Your Honorable House, have proceeded to the consideration of the subject matter contained in the Petition referred to them.

The Petitioners are inhabitants of the Townships of Beverly and West Flamborough in the Gore District, and represent: That they are aggrieved by the present arrangement of placing the Toll Bars, Nos. 1 and 2, upon the Macadamized Roads leading from Dundas to Waterloo and Galt:

That the inhabitants of the extensive settlements of Paris, St. George, south part of Dumfries, north part of Ancaster, and the south part of Beverly, before entering upon the Macadamized Road at Gate No. 2, have to pay four pence for each team, and after travelling about two and a half miles to Gate No. 1, have to pay eight pence more, and afterwards, having the use of the Road but one and a half mile to Dundas,--in all, four miles travel for the sum of one shilling.

Your Committee having satisfied themselves of the strict correctness of the several statements contained in the Petition, feel it their duty to state, as their unanimous opinion, that the public should be relieved from the injustice complained of.

Your Committee are convinced that unless some means be adopted for that purpose, those improvements which have been constructed at great public expense will prove a burthen rather than a benefit to the inhabitants of the locality, and will, ere long, drive them from the present improved public thoroughfares

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to seek new markets for their Produce, and new establishments at which to transact their ordinary business, not so convenient as the present.

Your Committee would therefore strongly recommend that such an alteration may be made in the disposition of the Toll Bars referred to, as will cause the injustice complained of to be speedily removed, either by the reduction of the Toll at those Bars, or by such an arrangement as shall be alike for the interest of the public, as for the relief of the inhabitants signing the Petition.

First Report of  
Committee on  
Railroad and Tele-  
graph Line Bills.

Sir Allan N. MacNab, from the Standing Committee on Railroad and Telegraph Line Bills, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act incorporating the



Montreal and Lachine Railroad Company, and for other purposes, referred to them; and have agreed to certain amendments which they respectfully submit for the adoption of Your Honorable House.

Lachine Railroad Bill.

Ordered, That the Bill to amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes, as reported from the Standing Committee on Railroad and Telegraph Line Bills, be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Lemieux took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lemieux reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Lemieux reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Eighteenth Report of Committee on Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Eighteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of James Scott, Esquire, and others; of the Honorable P. M'Gill and others, Trustees of the Huron Mining Company; of Joseph P. Bradley, Esquire, and others; of John S. M'Cord, Esquire, and others; and of the Honorable William Hamilton Merritt and others; and do not consider them to be of such a nature as to require notice under the Rules of Your Honorable House.

On motion of Mr. Jobin, seconded by Mr. M'Farland,

Les Soeurs de Miséricorde Bill.

Ordered, That the Bill to incorporate "Les Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de Montréal," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

M'Collom's Road Allowance Bill.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to vest a certain Road allowance in the Township of Nelson, in John S. M'Collom," be now taken into consideration.

The House proceeded accordingly to take the said Amendment into consideration; and the same was read, as followeth:--

Press 1, Line 31.--After "Memorial" insert "in lieu and stead of the said Road so running through the said Lot number twenty, which, to the width of sixty-six feet is hereby declared to be and shall be and remain a public highway, as if the same had been originally reserved for that purpose."

And the said Amendment being read a second time, was agreed to.

Ordered, That Mr. Wetenhall do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

On motion of the Honorable Mr. Merritt, seconded by Mr. M'Farland,

Naturalization of Aliens Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the said Bill be read a second time, on Tuesday next.

On motion of Mr. Price, seconded by Mr. Wetenhall,

Toronto General Burying Ground Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their successors," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the said Bill be read a second time, on Monday next.

On motion of Mr. Jobin, seconded by Mr. Armstrong,

Soeurs de Ste. Croix Bill.

Ordered, That the Bill to incorporate La Communauté des Soeurs de Ste. Croix, in the Parish of St. Laurent, in the District of Montreal, for the purposes of education, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

On motion of Mr. Jobin, seconded by Mr. Armstrong,

L'Académie Industrielle Bill.

Ordered, That the Bill to incorporate L'Académie Industrielle de St. Laurent, in the District of Montreal, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Notarial Profession Organization Bill.

Resolved, That a Message be sent to the Legislative Council, praying their Honors will permit the Honorable Jean Baptiste Taché, one of their Members, to attend the Select Committee to which is referred the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada, on Tuesday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That Mr. Laurin do carry the said Message to the Legislative Council.

Montreal Merchants Reading Room Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to incorporate the Merchants' Reading Room of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Stuart's Relief  
Bill.

The Honorable Mr. Badgley reported from the Select Committee on the Bill to enable Charles James Stuart, Esquire, to practise the Law in Lower Canada, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

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Ordered, That the Bill be engrossed.

Soeurs de la  
Charité of  
Bytown Bill.

Ordered, That Mr. Egan have leave to bring in a Bill to incorporate La Communauté des Révérendes Soeurs de la Charité of Bytown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Bytown Col-  
lege Bill.

Ordered, That Mr. Egan have leave to bring in a Bill to incorporate the College of Bytown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Montreal Horti-  
cultural Society  
Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the Horticultural Society of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Neepigon  
Mining Com-  
pany Bill.

Ordered, That Mr. M'Farland have leave to bring in a Bill to incorporate certain persons under the name and style of Neepigon Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Huron Mining  
Company Bill.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to incorporate the Huron Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Land Sur-  
veyors Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Police Office,  
Quebec.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--



*Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 22nd February, 1849, and praying that His Excellency would be pleased to lay before the House, copies of all representations, complaints, memorials or petitions, on the part of W. K. M'Cord, Esquire, Superintendent of Police at the City of Quebec, relative to the keeping of the Police Office at Quebec since the said W. K. M'Cord has been Superintendent of Police; also, copies of all complaints or representations by the said W. K. M'Cord, touching the assiduity or want of assiduity of the Justices of the Peace at the weekly sittings of the said Magistrates; and copies of all communications between the said W. K. M'Cord and the Executive Government, and the Clerks of the Peace or Justices of the Peace, respectively, relative to the matters aforesaid,--and a copy of the investigation made by order of the Executive Government last year, in consequence of the said complaints; and copies of all documents relative to the matters aforesaid.*

Appendix  
(O.O.O.)

*For the said Return, see Appendix (O.O.O.)*

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Badgley,  
Electoral Div-  
isions of the  
Province.

Ordered, That there be laid on the Table of this House,  
a List of the several Parishes, Seigniories, Town-  
ships, or other Divisions, comprising the several  
Electoral Divisions of this Province, as now consti-

tuted.

Leave of  
absence.

Ordered, That Mr. Malloch have leave to absent himself  
from this House, for two weeks, by reason of a dom-  
estic affliction.

MR. AT. GEN. BALDWIN<sup>1</sup> in moving the orders of the day, said he would have to request the House to allow the Government another day in the week, he should propose Wednesday, for two or three weeks, at all events, until the heaviest part of the Government business was got through.<sup>2</sup>

((There were)) a few words from SIR A. MACNAB<sup>3</sup>.

The proposition was agreed to.<sup>4</sup>

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Call of the  
House.

*The Order of the day for the Call of the House,  
being read;*

*On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Attorney General LaFontaine,*

Ordered, That the said Order of the day be postponed until Tuesday next.

Resolved, That such Members as shall not then attend, be sent for in the custody of the Serjeant at Arms attending this House.

Message from  
the Council.

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chan-  
cery:--*

Mr. Speaker,

*The Legislative Council have passed the following Bills, without Amend-  
ment, viz.:--*

Common  
School Edu-  
cation Bill.

Bill, intituled, "An Act to raise an Income of One hundred thousand pounds out of the Public Lands of Canada, for Common School Education:"

Quebec Literary  
and Historical  
Society Bill.

Bill, intituled, "An Act to amend the Charter of the Literary and Historical Society of Quebec:" And also,

Drummond  
Municipality  
Bill.

The Legislative Council have passed the Bill, intituled, "An Act to divide the Municipality of Drummond into two Municipalities," with several Amendments, to which they desire the concurrence of this House: And also,

Ursuline Nuns  
of Quebec Pro-  
perty Bill.

The Legislative Council have passed a Bill, intituled, "An Act to authorize the Ursuline Nuns of Quebec to acquire and hold additional real and personal property to a certain amount," to which they desire the concurrence of this House: And also,

Notarial Pro-  
fession Organi-  
zation Bill.

The Legislative Council give leave to the Honorable Barthelemy Joliette to attend the Select Committee to which is referred the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Can-  
ada, on Tuesday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference, if he thinks fit: And also,

Bridge Bill of  
A. Archambeault  
and others.

The Legislative Council give leave to the Honorable Barthelemy Joliette to attend the Standing Committee on Road and Bridge Bills, on Saturday next, at ten o'clock in the forenoon, to be examined with reference to the Bill to authorize Antoine Amable Archambeault and others to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned, if he thinks fit.

And then he withdrew.

Public Debt.

Mr. Morrison, from the Committee of the whole House on that part of the Speech of His Excellency the Governor General, at the opening of the present Session, which relates to giving the Government such powers as may be necessary for the re-organization of the Provincial Debt, the creation of an efficient Sinking Fund, and the alienation of works of a purely local character, and also, to certain matters connected with the said Public Debt and the keeping of the Public Accounts; and also, on the Petitions from the several Banking Institutions praying to be heard by Counsel at the bar of the House, against certain Resolutions to be proposed for issuing of Debentures by the Government, reported several Resolutions; which were read, as follow:--

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1. Resolved, That it is expedient to authorize the Governor in Council, from time to time, and as the interests of the Public Service may require, to redeem or to purchase on account of the Province, all or any of the then outstanding Debentures constituting the Public Debt of the Province of Canada, or of either of the late Provinces of Lower or Upper Canada, or all or any of the Debentures issued by Commissioners or other Public Officers under the authority of the Legislatures of either of the late Province of Upper or Lower

Canada, or of the Legislature of Canada, the Interest or Principal of which Debentures is made a charge on the Consolidated Revenue Fund of this Province, and to issue new Debentures to an amount not exceeding that of the Debentures so redeemed or purchased, or to arrange with the holders of any such Debentures as are hereinbefore described to accept in lieu thereof new Debentures, the Principal or Interest whereof shall be respectively payable out of the Consolidated Revenue Fund of this Province at such times as the Governor in Council may direct; and to make all such Debentures payable in Sterling Money of Great Britain or in the Currency of this Province, and to make the Principal and Interest payable at such place either within or without this Province as the said Governor in Council may direct, and to fix the Interest on such Debentures at such rate, not exceeding the then legal rate, per centum per annum, as the said Governor in Council may direct: Provided that the Governor in Council shall not increase the aggregate amount of the Public Debt of the Province without the authority of the Provincial Parliament.

2. Resolved, That it is expedient to provide that, of the Debentures which the Governor in Council is or may be authorized to cause to be issued under any Act passed or to be passed, a sum not exceeding Two hundred and fifty thousand pounds currency, may be issued in Debentures being each for a sum less than Ten pounds currency; and that such Debentures may be made payable on demand or any time after date, and with or without Interest, and may be receivable in payment of monies payable to the Provincial Government generally, or in payment of such duties or dues, and by such Officers or Departments, and upon such terms and conditions as the Governor in Council shall from time to time appoint; and being so received, may be re-issued, or may be cancelled and others issued in their stead: Provided that the total amount of such Debentures as aforesaid, outstanding at any one time, shall not exceed the said sum of Two hundred and fifty thousand pounds, and that the total amount of all Debentures, including those above mentioned, shall not at any time exceed the amount then authorized by Law.

3. Resolved, That whereas it appears that, owing to the pressure of just demands on the Provincial Government which the Funds in the Public Chest were insufficient to meet, Debentures of the description mentioned in the next preceding Resolution have been issued under the authority of the Governor in Council since the 1st day of July, 1848, and have, under the said authority, been received in payment of duties and of other monies payable the Provincial Government, and being so received have been cancelled, and others have been issued in their stead, but the total amount of such Debentures outstanding at any one time has not exceeded the sum of One hundred and twenty-five thousand pounds, and the total amount of all Debentures outstanding has never exceeded the amount authorized by law, and that the exigencies of the Public Service are such that it may be necessary for the preservation of the Public Credit, that the course so adopted be continued until the Provincial Parliament shall have made provision in this behalf, and whereas the course so adopted by the Provincial Government, although justified by the necessity of the case, is not within the letter of the law; it is therefore expedient to indemnify all persons who may have been concerned in the adoption thereof, and to provide that all Debentures of the description mentioned in the next preceding Resolution, issued or received in payment as aforesaid after the said 1st day of July, 1848, and before the time when the Provincial Parliament shall have made



provision in this behalf, shall be held to have been lawfully issued and received: Provided the total amount of such Debentures as aforesaid outstanding at any time, shall not have exceeded the sum of One hundred and twenty-five thousand pounds, and that the total amount of all Debentures outstanding at any one time, shall not have exceeded the amount then authorized by law, and not otherwise.

4. Resolved, That it is expedient to authorize the Governor in Council to direct the proper Officers to grant terminable Annuities chargeable on the Consolidated Revenue Fund of this Province, which Annuities shall be granted on terms in accordance with the most approved English Tables, and based on a rate of interest not to exceed six per cent per annum, and to apply the proceeds of such grants to the extinction of the Public Debt.

5. Resolved, That it is expedient that the entire net Revenue derived from the Tolls on Public Works, after deducting therefrom the sum of Twenty thousand pounds which shall be annually placed at the credit of the Consolidated Revenue Fund, be carried to the credit of the Sinking Fund; and that the said Governor in Council be authorized to direct the investment of all sums forming part of the Sinking Fund, either in the Public Securities of this Province, or in the British Funds; and that it shall be lawful for the Governor in Council, from time to time, to direct the transfer from the Consolidated Revenue Fund to the Sinking Fund, of any unappropriated Revenue which it may, at the close of each year, be found practicable to apply towards the extinction of the Public Debt; such sums to be invested in the securities hereinbefore mentioned: Provided always, that nothing in this Resolution shall be held to repeal or affect the provisions of an Act of the Parliament of this Province, passed in the tenth and eleventh year of Her Majesty's Reign, intituled, "An Act to facilitate the issue of Debentures, and for other purposes therein mentioned."

6. Resolved, That it is expedient to empower the Governor in Council to make such regulations as may be necessary for the management of the Public Debt of this Province, and the payment of the Interest thereon, and to appoint one or more fiscal Agents of the Province in the City of London, and to agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the Interest on the Public Debt, and for other services connected with the management of the said Debt, and to pay such compensation out of the Consolidated Revenue Fund.

7. Resolved, That it is expedient to empower the Governor in Council, from time to time, as the exigencies of the public service may require, in con-

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sequence of the Consolidated Revenue Fund being at the time insufficient to meet the charges placed thereon by law, to direct the proper Officers to effect temporary loans chargeable on the said Consolidated Revenue Fund, in such manner and form, in such amounts, and payable at such periods, and bearing such rates of interest, not exceeding the then legal rate per centum per annum, as the said Governor in Council may direct: Provided that such loans shall not exceed the amount of the deficiencies in the said Consolidated Revenue Fund to meet the charges placed thereon by law.

8. Resolved, That it is expedient to authorize the Governor in Council to direct the proper Officer to ascertain as accurately as possible, the amount of the appropriations for permanent works which have been paid out of the

*Consolidated Revenue Fund, and to credit the said Fund for the aggregate amount of the said payments, charging the same to the respective Public Works; and to issue Debentures for such a portion of these appropriations as shall be necessary to enable the Consolidated Revenue Fund to meet the charges imposed upon it by law, and which the surplus and unappropriated revenues of the Province paid into the Provincial Chest prior to the 1st January, 1849, have been insufficient to cover, and to cause a separate Statement to be inserted in the then next Public Accounts of whatever may have been done in the behalf aforesaid: Provided that such Debentures shall not be issued for sums less than Ten pounds currency each, and shall not in the whole exceed the sum of Two hundred thousand pounds.*

9. *Resolved, That it is expedient to provide that the Public Accounts of the Province be kept by Double Entry, and that an annual Statement be prepared as soon as practicable after the termination of each fiscal year, exhibiting the state of the Public Debt, and the amounts chargeable against each of the Public Works for which any part of the debt has been contracted,--also, the state of the Consolidated Revenue Fund, and of the various trusts and special funds under the management of the Provincial Government, and such other accounts and matters as may be required to shew what the liabilities and assets of the Province really are at the date of such Statement; that an Account be opened, to the debit of which the sums invested in works which are totally unproductive, or which are otherwise totally lost to the Province, may be entered; and that the balances at the debit and credit of the Accounts intituled, respectively, "Civil List, Schedule A," and "Civil List, Schedule B," shall be respectively transferred to the debit and credit of the Consolidated Revenue Fund.*

10. *Resolved, That it is expedient to empower the Governor in Council to enter into arrangements with any of the Municipal or District Councils, or other local Corporations or Authorities, or with any incorporated Company in Lower or Upper Canada, for the transfer to them of any of the Public Roads, Harbours, Bridges, or Public Buildings, which it may be found more convenient to place under the management of such local authorities or companies, and on the completion of such arrangements to grant (and, by so granting, to transfer and convey) for ever, or for any term of years, all or any of such Roads, Harbours, Bridges, or Public Buildings, to the District or Municipal Council or other local authority or company with whom such arrangement may have been made, and upon such terms and conditions as may have been agreed upon, and to make proper provisions with regard to the form and effect of any such grant; the monies payable to the Province under the terms of any such grant, to be carried to the credit of the Sinking Fund, and to form part thereof.<sup>5</sup>*

MR. INSP. GEN. HINCKS moved, that the question of concurrence be put.<sup>6</sup>

MR. WILSON said,--When the resolution was first presented to give the Government power to issue small debentures, to be used as a circulating currency, I had a strong, although undefined impression, that it would be a serious evil to the country. The more I have heard, and the more I have reflected upon it, has confirmed that impression. We are told that it is a measure of expediency, founded upon necessity, if this really be so, it is

a good political reason for its adoption. But is it really so? It has been said that the debentures of the Province, cannot, with certainty, be sold in England, not because the country is insolvent, but because there is a want of confidence in it, and a want of knowledge of its resources. In other words it is doubted whether the Government is permanently able and willing, punctually, to meet its engagements. If this be the true reason why our debentures do not stand in their proper position in the money market; then, we ought to be certain that the present measure will tend to create confidence, not to shake it. When a man has capital to invest, I take it for granted, that the first enquiry is, Will my principal be safe? And secondly, how high a rate of interest I can get with safety and certainty, and without inconvenience? Being well assured on these points, he invests with a perfect feeling of security. In making investments, few even trust to their own opinion and judgment, and they very naturally go to persons whose business it is, to inform themselves on these subjects. And the class of men naturally looked to, are Bankers and dealers in stocks and funds, or to other persons like themselves, who have made investments. If such men could, to every inquiry made, point with confidence to our Debentures, we should, no doubt, be able to sell them, with the same facility with which good stocks are sold. I speak with great deference; but it appears to me, that all the leading interests of the country, its industry--its resources--its commerce and its banking, bear directly upon the credit of its Government--and that if a Government be, in appearance or in fact, faithless to the interests, and regardless to the rights of any leading class, so far its own acts tend to destroy its own credit. At an early period in the history of this country, great inducements were held out for the establishment of banking institutions, and banks have, from time to time, been chartered--and inconsiderable part of the capital in them is held in England. For a long time, the investments in many of them paid 8 per cent. and the stocks were eagerly bought on sale and permanent investments, at rates varying from par to 15 per ct. premium. The reports from time to time made by these institutions, inspired confidence, and Canada bank stocks were always in good demand.--These stocks have now become depreciated further below par than they ever were above it. Other causes have operated in depreciating it; but the chief cause was the levying a tax on their circulation, amounting practically to 10 per cent on their profits. This tax was laid on at the suggestion, I believe, of the hon. Inspector General, when he was formerly in power.<sup>7</sup>

MR. INSP. GEN. HINCKS begged leave to set the hon. gentleman right. The bill for the imposition of that tax was brought into Parliament by Mr. Attorney General Ogden.<sup>8</sup>

MR. WILSON continued:--Well, the hon. Inspector General is clear from that charge. Whoever brought in the bill, it has been an easy and a certain source of revenue to the Government; but its indirect bearing upon it, has been more hurtful than the apparent benefit. It was looked upon as unjust at the time, and it has been felt as excessive ever since, because it was a direct income tax, on all who in part, or in whole depended upon it, of 10 per cent. This tax was laid on as an equivalent for allowing the banks to issue bills beyond the amount of specie in their vaults--and, in fact, for allowing their bills to pass as the circulating medium of the country.



Now, the present measure encroaches upon the privilege, in respect of which that very tax was levied--But the hon. Inspector General has told us, that it would no more interfere with the banks now existing, than the establishment of another bank, with an issue of bills to the same amount as the proposed issue of Debentures. This is true in terms, but impossible in fact. You could not establish a bank whose issues could, by possibility, usurp the circulation of the other banks--because they would receive the notes which the new bank circulated, and demand specie for them; their notes would be convertible--your Debentures are not, but are payable at a future day, and are not even then convertible with the same penalties you attach to the refusal of a bank to redeem its notes. Without enquiring into the abstract right of a government to force upon a country its bills payable at a future period, such a right sanctioned, even by the Legislature must be a more than doubtful expedient, what would be bad faith in an individual cannot be good faith in a Government. An individual who happened to have his creditor in his power, and who, on the plea of necessity, and because he had the power, should compel that creditor to take his bill for the debt, payable at a future day, could not well hold himself out to the world as a solvent man, willing to borrow money, and worthy of having it lent to him, and as one of the most honorable and trustworthy men. But by this measure you stand in this humiliating aspect, because you have the power, you compel your creditor to take your bills at a future day. You compel him to take 18 for 20s. and boast all the while you are solvent and hold yourself out as worthy of credit. With one breath you proclaim your solvency, and your faith; with another you set forth your insolvency and dishonour. The very holders of your Bank stocks invested in faith of your charters, or men circumstanced and feeling like them are the persons from whom you are seeking to borrow on your debentures, and you turn in vain to them, either to lend you money or vouch for your faith? Yet you assert you have not broken faith. This may be true in the abstract, but untrue in the ordinary impressions entertained of it. The true question as bearing upon your credit is this:--Is there a single stock holder in any of the Banks who does not feel that your tax is unjust, and that you have already broken faith? Is there one who does not feel that you have depreciated his capital? Is there one who does not feel that, as far as it goes, it is a direct income tax of ten per cent? And is there one who will not justly feel that you by this measure to crown all, usurp the circulation for which you imposed the tax? I am no stockholder in any Bank, but I can easily conceive how every one of them feels, and I am arguing this question not for their sake, but for the credit of the country. Suppose Canadian Debentures are offered for sale, and the idea of buying them is entertained. Will the condition of your Banks and their Stocks form no part of the inquiry, and a part of the data on which an opinion is founded, as to the wisdom and safety, of taking your debentures. If comparing this, with other countries--it shall be found that Bank Capitals scarcely produce a dividend in this, equal to the legal and current rates of interest, while in them it produces a rate far above it. Will such a discovery not contrast unfavourably with the Government? And if the causes of this depression are explained, as ordinary men will explain them. Will your Debentures range higher in their

estimation? No Sir, they will turn suspiciously away, and your debenture will be left where it is, your willingness and ability to pay, notwithstanding. Try to conceal it, as you may, this measure will injure your standing, your debentures, will obtain the contemptuous name of "shin plasters," and the more readily, because instead of allowing them to bear your official signatures only, you have covered them with the trumpery figures of the veriest wild cat Bills which ever inundated and ruined the "Great West". But was there a necessity? And was there no more honourable and statesman-like expedient, in which in your necessity you could have recourse. Would it not have been better for you, to have reduced your own official salaries one half, and having set the good example yourselves could, you not have reduced some of your official servants from 10 to 15 per cent on their salaries? Could you not have into your whole system a saving of a large part of the amount in one year? Having done this could you not have said to the Banks, you must in our necessity, lend us sums from time to time to carry on the Government, or we must have recourse to some other expedient? And if they had refused a request so reasonable, then as far as they are concerned, they would have had less reason to complain. Could you not have obtained a temporary credit on the faith of your Debentures, from some foreign capitalist? If you could have done all these, and many other things, which the fertile imagination of the Inspector General no doubt could have suggested, and did not do them then there is no necessity in this expedient, and no excuse for adopting it. On questions of expediency and speculation he naturally turned to the hon. Inspector General and the hon. President of the Council; for the former has declared that he could and would evade a law which stood in his way--But on questions involving high toned feeling and principle, we at once turn to the hon. Commissioner of Crown Lands, and the hon. Attorney General West. Do they justify this expedient?--Can the hon. Attorney General stand up, and with this honest assurance, tell hon. members that he would think it right for one man to draw his notes payable at a future day, to pay a debt now due?--Can he tell us that is right when the note is drawn, to say, take this, sir, or nothing? Can he say, is it right to pay twenty shillings with eighteen?--Can he tell us that after having sold a continuing right for a continuing consideration, that the vender can assume and use the right himself? If he cannot tell us all this is right as between man and man, how will he make it right in a government? But, sir, the government has done it, and asks for the sanction of law to confirm the injustice.<sup>9</sup>

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*The first Resolution, being read a second time, was agreed to.*

*The second Resolution being read a second time,*

*The Honorable Mr. Cayley moved in amendment thereunto, seconded by Mr. Thompson, That the words "Two hundred and fifty thousand pounds" be left out, and the words "One hundred and twenty-five thousand pounds" inserted instead thereof; and, That the words "Provided also, that the amount of Debentures issued for sums less than Ten pounds currency, so authorized to be issued or re-issued, shall be reduced to the sum of Sixty-five thousand pounds, on or before the 1st day of January, 1850, and that the whole issue be withdrawn on or before the 1st day of January, 1851," be added at the end thereof.*

MR. SHERWOOD would cheerfully vote for the amendment, and much more cheerfully against the original resolution, if this amendment--as he ... the principle of allowing the government to issue paper to ... been called upon in this moment to give his adhesion to such a principle as was proposed by the Inspector General. The Parliament during the last and former Sessions passed several bills for the purpose of authorizing the issue of debentures, to raise money to a considerable amount to complete our public works; it was also true that in the provisions of their Act, it was not stipulated what amount the debentures should be restricted to or at what period of time they should be payable, but when these bills were passed the Legislature took it for granted that the debentures were to be issued as they had been for the last 30 or 40 years when money had been loaned on debentures, viz., in large amounts and payable at twenty years; the Legislature never contemplated giving the Government authority to flood the country with a circulating medium--a paper which passes as money. The Royal instructions, which were now-a-days put aside as though they were mere blank paper, provided that the Governor of the colony should not consent to any measure of the Legislature which had for its object the circulation of paper as a circulating medium--by these instructions given in 1841 the Governor was instructed to reserve for the assent of the Queen's Government any measure having that object in view, unless the bill contained a clause providing that it should not come into operation until it had received Her Majesty's assent. If, therefore, His Excellency supposed that these Bills--he spoke now of the Bill passed during the last Session introduced by the hon. Inspector Gen.--were intended by the Legislature here to authorize the Government to issue £125,000 in paper of small amounts to circulate as money, these instructions had been wantonly deviated from by His Excellency, for they were clear and distinct in their terms. He (Mr. S.) did not blame His Excellency at all, because he took it for granted that he understood as the whole country understood that this bill was intended to authorise the issuing of debentures in the ordinary form, and in the ordinary manner at long dates and large amounts. But inasmuch as it was not stated in the bill that they should be of any particular amount, or date the Government had advised His Excellency to treat that Bill as if it were intended by the Legislature to authorize the circulating medium--these shin plasters--this wildcat money, and he should have withheld his assent to any such proceeding under that bill, because such a thing was never contemplated by the Legislature at that time. No man who was in Parliament when the Acts were passed could rise in his place and say that he ever contemplated such a proceeding. He might be met with the question but what were Government to do? what course could they adopt in the position in which they were placed, Could they not have convened Parliament, laid their project before Parliament, and asked the advice and counsel of Parliament as to the course they should adopt in these pressing exigencies?--(Hear, hear.) We were told last Session by the incarnation of the Administration for the time being that certain measures were to be brought forward to enable the Government to go on with the business of the country, and that Parliament should be called together at an early day. He (Mr. S.) had understood in conversation that the month of November would be the time



selected instead of which it was nearly the end of January before the Legislature was convened. The Ministry, then, had done wrong. They had gone contrary to the spirit and intention of the Act of Legislature, and their conduct was not justifiable under that Act. He (Mr. S.) understood at the time that the money authorised to be raised was for the completion of our public improvements, but how had it been used?<sup>10</sup>

MR. CAYLEY.--It was for general purposes.<sup>11</sup>

MR. SHERWOOD ((continued:))--Then he (Mr. S.) had something more to say on that point. The Ministry had not only acted in an unjustifiable manner in issuing these debentures, but they had used them to pay the public servants. (Hear, hear) whom they had made to take them at par, when they must lose 5 per cent on each debenture. He considered that an extreme hardship. (Hear, hear.) He had seen some of the papers in the interest of the Ministry attempt to justify this act by saying that if any one was to lose by the debentures, it was the well paid office-holders. Such a proceeding as this would not be permitted between private individuals and the government had therefore no right to compel the servants to receive (sic) payment in bills below par; it was not correct, right, and honorable on the part of the government to take that course. Had not a party received a salary of £100 or £200 a year a right to receive the full payment which the Legislature had authorized? (Hear.) It was treatment towards the public servants of the country--towards the persons employed to educate children throughout the length and breadth of the land (hear, hear,) such as he had never heard of, and which the country would not approve of. The objects of these resolutions was not to authorize the issue of £125,000 but £250,000, and at whatever dates and in whatever sums the Government might think proper. He was not disposed to place in the hands of the Government any such power.--They were told by the Inspector General that our debentures were at par in England; and he had heard that a communication had been received, saying that they were now at 1 or 2 per cent premium--(a pause). He supposed from the silence of the Inspector General, that his information was correct. If, then, our debentures were at par at premium in England, why not go into the English Market and borrow money in the way in which it had been borrowed heretofore, instead of flooding the country with paper, that no one would take, unless they were compelled to do it. It was wrong in principle. Let them retrace their steps. Instead of establishing a Bank of issue or a Bank of deposit, which they would do if they passed that portion of the resolution which authorized the terminable annuities, let them obtain loans in the usual manner. It was unjust to the banking interests of the country; those interests had grown up to be of considerable importance in this country. They had been very materially injured by the tax imposed on them by the Legislature to contribute to the general revenue of the country. The conduct of the Inspector General was inconsistent. The other night he entered into a very liberal and enlightened discussion with reference to the propriety of the Legislature adopting means to encourage the introduction of capital into the country. They had heard him advocate a repeal of the Usury Laws as an inducement to persons having capital, to invest it in real estate and stock, in this country, that the circulating medium might become plentiful and that we might have the means of carrying on public enterprises

and commercial undertakings. But he asked would persons be disposed to come into the country and invest their money in Bank stock if instead of taking off all these impediments to the introduction of capital, you taxed all the capital already in the country. The Assessment bill would have the effect of taxing all the money introduced into the country, was that consistent with the advocacy of the repeal of the Usury Laws? (Hear, hear.) He looked upon the propositions of the Inspector General who had the reputation of being a financier of the first order as being perfectly inconsistent with each other--One day he advocated what appeared to him (Mr. S.) to be a most liberal and enlightened measure and the next day he was ready to propose a resolution with directly contrary tendencies. Instead of promoting the interests of the Banks on whom they must depend in a great measure, they had not only rejected the repeal of the Usury Laws and kept the rate of interest at 6 per cent., but now they proposed to tax the only institutions from which they could derive assistance. By the bill of 1841 the Banks were taxed one per cent on all their capital. When he looked at the amount which this tax of one per cent produced he found it amounted to £16,000, the interest or nearly so on the proposed circulation of £250,000. The effect of it plainly was this, that the Government would flood the country with paper circulation to the amount of £250,000 to the manifest injury of the Banks, without a single dollar in specie to redeem it, while the Banks are obliged to keep specie for that purpose, and at the same time are compelled to pay that tax of one per cent. He was very much afraid that it was the beginning of a system, that would throw the whole country into confusion, and therefore he did not feel ... and would vote for the amendment.<sup>12</sup>

MR. MCCONNELL would vote for the Resolutions; he was not a financier, but a farmer, and he perhaps did not know a great deal about all they had been speaking of; but it appeared to him that they had all now conceded that they had Responsible Government. What kind of a beast Responsible Government was, they had not yet exactly found out--(laughter)--but they had found out it required money to carry it on. If the House continued to sit until June, and he then went home to his farm, and found his fields not ploughed, and that he had lost a crop for that year, would he not ask his man why his fields were not ploughed?--and would it be a sufficient excuse for the man to say he had no plough, nor any money to buy one? He (Mr. McC.) would answer him that he should have got one on the credit of his (Mr. McC.) name; and so it was with the country - they had a noble line of canals, which required to be finished without delay, otherwise they would be useless; and if the Government did not finish them, then they would be blamed for it; and it would be no excuse to the hon. members then that the Government had no money to complete them. They could have borrowed it, would be the reply; and so he was in favor of authorizing them to borrow the money if it was found that they required it.<sup>13</sup>

MR. HOLMES was certain of this--that if it were true that debentures were at par in England, there was little danger about passing the bill, because the Administration would not issue small bills here if they could borrow large sums in London. The hon. member for Toronto had laid all the blame of the depreciation of Bank Stock on the rate of 1 per cent. If he



would inquire of his friends near him, he, (Mr. Holmes,) thought they could give him a much better reason for that. Without going into that question, however he would mention that in the United States they put a tax not on issues, but upon stock. Had that been done here, the Banks would have had much greater reason to complain of the hardship. The Bank of Montreal for example, now had to pay only about half what it would have to pay on the plan adopted in the United States. Neither was it correct to say that the members of the present Administration had anything to do with the imposition of that tax; nor that it was imposed after the Banks were chartered. The truth was, it was imposed at a period, when almost all the Bank Charters were about to expire, and (sic) the whole of those institutions went together to get a uniform law. After that law had past, the Assembly, the Bank of Upper Canada, and the Commercial Bank discovered that their charter would not expire so soon as the others, and they contrived to get it thrown out of the Upper House. But independently of those considerations he could not understand why this tax should be considered so improper, considering that the Banks had valuable privileges accorded them, which enabled them to exercise some of the powers of the Government, in the issuing of money or the representative of money, and so realizing six per cent on a very large amount of money thus put into circulation. He believed the amount of Canadian Bank stock held in England did not exceed one third of the whole nor was he sure that it was an advantage to the Country--That the bank stock should be held by persons at a distance, for if the Banks were prosperous the high dividends repaid to these persons, in a few years, the whole amount of their invested capital, which were it held in the country would be distributed among the institutions to their own benefit. The hon. gentleman then went into some details, which we did not catch very distinctly, to show that the Canadian Banks were in a far better position than those of the United States, in regard to extensive circulation. The Bank of Montreal for example had a circulation, three or four times as great as one of the Banks in the City of New York possessing about the same amount of Capital.<sup>14</sup>

MR. INSP. GEN. HINCKS wished to express his opinion that the example could be found in England of any member of the opposition, who on a measure of finance like this--the principle once admitted--would seek to limit the amount which the Government should be allowed to issue, not to fix a day, when the half of that amount should be called in. The hon. member for Huron was aware that he took a large quantity of debentures to London, and that it was not till within a few weeks that they could be sold. He (Mr. Hincks) believed there was now a good prospect of selling them, and he put it to the House, whether the Government could have any object in wishing not to negotiate these loans? Now, in what position would the Administration be placed if the House showed so much want of confidence in them as to prevent the Government from making issues beyond a certain amount, if it should be found absolutely necessary to make an issue beyond that amount? The House, if it were disposed, to make this restriction would do better to pass a vote of want of confidence at once; for the Government would be placed in this position--they might either be forced to call Parliament together, at great expense, to obtain its sanction to a measure which might as well be authorized then; or else might have to take on themselves



the responsibility of issuing those Debentures, in a manner of which they doubted the legality.<sup>15</sup>

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And the Question being put on the Amendments; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Brooks, Cayley, Christie, Macdonald of KINGSTON, Sir Allan N. MacNab, Meyers, Papineau, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson and Thompson.--(14.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Davignon, DeWitt, Dickson, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Connell, M'Farland, Merritt, Mongenais, Morrison, Polette, Price, Richards, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Viger, Wetenhall, and Wilson.--(49.)

So it passed in the Negative.

Then the second Resolution was agreed to.

The third Resolution, being read a second time, was agreed to.

The fourth Resolution being read a second time,

And the Question being put, That this House doth agree with the Committee in the said Resolution; the House divided:--And it was resolved in the Affirmative.

The subsequent Resolutions, being read a second time, were agreed to.

Public Debt,  
&c., Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill for the better management of the Public Debt, Accounts, Revenue, and Property.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Election Bill.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read;

The House accordingly resolved itself into the said Committee.

Mr. Cauchon took the Chair of the Committee;<sup>16</sup>

MR. H. BOULTON opposed the 20th clause of the bill, by which parties who suppose themselves aggrieved by false returns were authorised to bring actions for damages. This was to hand over the privileges of the House to Courts of Justice, and might involve a counsel of jurisdiction between the House and the Courts, supposing their decisions on the returns should differ. Besides, the expense of trying a return in Court would be enormous.<sup>17</sup>

MR. AT. GEN. BALDWIN said this was not a new provision, but copied from

an English statute. As to the objection arising from the possible differences between the Courts and the House, the same thing might occur now, for an action would be against a returning officer who refused a good vote.<sup>18</sup>

The clause was allowed to stand over.<sup>19</sup>

Some discussion took place on the clause, making it necessary for a voter to be six months in possession of property and of the deed, before he could give his vote.<sup>20</sup>

SIR A. MACNAB and MR. ROBINSON opposed the clause, on the ground that the people of Upper Canada are very well satisfied with the law as it stands at present, and they did not see the necessity of altering the law of that section of the Province, merely in order to assimilate it to the law of Lower Canada. They objected also, decidedly, to the prohibition of voting on Crown deeds except the parties were in possession six months previous to the election.<sup>21</sup>

The clause was defended by the Ministry and Hon. MR. H. BOULTON, as it would prevent a great deal of corruption. It was notorious that very many votes had been created on the eve of an election, by the Crown issuing numbers of deeds for the purpose of carrying an election, and the clause would effectually put a check on it.<sup>22</sup>

With respect to the assimilation of the Upper Canada law to the Lower Canada law, the Hon. MR. H. BOULTON thought such an assimilation extremely proper, as at present, hon. gentlemen on election Committees were in many cases totally ignorant of the election law of that part of the Province to which they did not themselves belong.<sup>23</sup>

MR. SOL. GEN. BLAKE said that it was most extraordinary that in this country the power of the crown was the only one which hon. gentlemen opposite did not desire to check, while in every other country, it was that power which was most anxiously prevented from interfering in popular elections. Hon. gentlemen opposite seemed very indignant because the Crown was no longer empowered to create electors on the eve of an election, whilst they looked with great coldness on the impossibility of the people doing so. No doubt because they were afraid of seeing too many electors at the polls. The hon. gentleman then alluded to the past--that several times the government had made use of the power of its lands to issue numbers of patents just previous to the time of election, this materially influencing the contest an instance of it occurred under the late administration, who issued several deeds to parties in the County of Waterloo who opposed his hon. friend now sitting for that county.<sup>24</sup>

MR. J.A. MACDONALD, (Kingston) was Commissioner of Crown Lands at the time to which the honble. gentleman referred, and he could vouch, and his successor he had no doubt could corroborate his assertion, that no deeds were issued to any persons in the County of Waterloo, excepting to such parties as had acquired a perfect right to their deeds, in consequence of having fulfilled the conditions upon which they were to obtain them--He should mention, that according to the system stated by a former Commissioner of Crown Lands a settler was to obtain his deed on having cleared sixteen

and three quarter acres; those terms were found too severe, and it was the intention of the Government to diminish the amount of land it would be necessary to clear, but yet when the elections were coming on, the Government refused to give up one of those deeds, except the full amount on the old standard, sixteen and three quarter acres.<sup>25</sup>

A great deal of conversation ensued, interspersed with reminiscences of election contests with respect to the course pursued by Sir F. B. Head's government during the elections of 1836<sup>26</sup>.

MR. RICHARDS asserted that the evidence of the Conservatives in his county, in 1836, was, in his opinion, a principal cause of the disaffection and disgust with the Government.<sup>27</sup>

It was also elicited, amidst shouts of laughter, by questioning the hon. MR. H. BOULTON, that during the late elections, a man in his county had been married for the purpose of accuring (sic) a vote.<sup>28</sup>

MR. H. SHERWOOD (Toronto) defended the committee appointed, to inquire into the patents issued previous to the elections of 1836, and condemned strongly the practice of making charges against the committee, which had ((been)) decided in that investigation in perfect fairness.<sup>29</sup>

MR. SOL. GEN. BLAKE followed, and in the course of his remarks, said, he was convinced that the charge of undue influence on the part of Sir Francis Head, was perfectly true, and that the hon. member for Toronto had supported Sir Francis Head at that time, and was one of a House of Assembly who stood by him in all his measures.<sup>30</sup>

Upon this, a long discussion took place on the subject of all the elections which had taken place since 1836; the whole conversation being a rehash of the late debate upon the rebellion losses, Sir Francis Bond Head, the affairs at St. Laurent, under Lord Sydenham, &c., &c.<sup>31</sup>

SIR A. MACNAB then went on to say that by this clause of the bill, many persons would be disfranchised who had emigrated to this country; and had lived several years in the country without taking out their patents. When an election took place, these parties came down and took out their patents but by this law they would be prevented from voting till six months after they had taken out their patents.<sup>32</sup>

MR. SHERWOOD remarked that there were some gentlemen who had shown a very peppery disposition which was not approved by the majority of the House or the country. The hon. member for the Third Riding had said that he Mr. Sherwood was opposed to Responsible Government. He was opposed to it while the country continued a colony because he thought that system inconsistent with the State of a colony. In that he was confirmed by the expressed opinions of Lord John Russell, and by every event which had happened since. He had, however, accepted Responsible Government--a perfectly new government, as different from the old colonial government, as the present government of France differed from the old government there. Canada was now as independent a country, as any State of the Union, and which he felt bound to accept this constitution. He was proud however to have opposed it, for he felt the time was coming when perhaps there would be a still more open declaration of independence; since the course of government had made every man turn his eyes on one side and the other for a new state of



political existence. As to his own course of conduct, notwithstanding the rumours that he had heard, he let those rumours pass by him as the idle wind which he respected not--these things depended upon the value set on the quarter from which the expression of opinion came, and the expression of opinion of the hon. Solicitor General might go for what it was worth. The hon. Solicitor General appeared to have laid in wait to attack him. He was not aware that he had ever given any occasion for the hon. gentleman to desire to be on such personal terms, as men were, when these obvious personal allusions were made. If the hon. member, however, desired to be his (Mr. Sherwood's) antagonist on all occasions, let it be so. He hoped, however, that the Administration would consent to allow the bill to be amended.<sup>33</sup>

MR. SOL. GEN. BLAKE denied that he had ever made personal allusions either now or on previous occasions. If the hon. member, however, desired to assume a position of antagonism, he must leave him to his own course. No one, he repeated, as he had done on a former occasion, examining his (Mr. Blake's) public and private life--he took both--could put his finger on the spot which would call up one blush of shame. Mr. Blake then went over the same historical narrative which he had given to the House on former debates, expressed his regret that he had not the books at hand to read again the authorities which he had read on that occasion, and asserted that Responsible Government was not a boon, but the inalienable right of Britons. The hon. member then once more repeated what he had said just before about Sir. F. Bond Head and the elections of 1836. The hon. gentleman opposite had warned him that his course in the house had not been such as friends could approve, but this he would say that knowing he had exhibited a very small amount of talent, knowing that he had censured men in terms much less severe than they merited, he would still declare that he would not exchange his share in that day's fight--mean and small as it was--for the brightest honours the Crown had to bestow. He had a duty to fulfill to the country, and he could appeal to his creator whether he had not fulfilled it to the best of his abilities. Striking his hand with much emphasis on the bench before him, he declared that he would not have his name signed to such documents as those to which he had alluded; no! not for all the lands of this broad Province of Canada. Such as he was, and such as the hon. members opposite were, he only asked that the historian would do mere justice between them, for he desired to have that heritage to hand down to his children.<sup>34</sup>

MR. H. BOULTON, (Norfolk) ((proposed an amendment)) making it necessary that the patent should be registered three months previous to the election<sup>35</sup>.

((The amendment)) was ... carried.<sup>36</sup>

MR. SOL. GEN. DRUMMOND desired to amend the next clause so as to include persons holding promises of sale. Now these persons were really proprietors and ought to have the right to vote.<sup>37</sup>

MR. AT. GEN. LAFONTAINE would have no objection to make this amendment; but he desired to have it done in such a way as to have the date of the promesse de vente fairly ascertained, so as to avoid the antedating of these deeds passed under seing privé.<sup>38</sup>

MR. SOL. GEN. DRUMMOND had no objection, and thought that the best security would be to compel registry.<sup>39</sup>

MR. BADGLEY thought that this could open the door to many frauds. These promesses de vente were often dependent on some conditions, which might or might not be fulfilled.<sup>40</sup>

MR. AT. GEN. LAFONTAINE said there could be no doubt that according to the French law a promesse de vente followed by possession, conveyed real property which could be sold or passed to children on the death of the holder.<sup>41</sup>

MR. BOULTON understood from the explanation that this promesse de vente was like an equitable rule in U.C. Under that rule the property descended to the children, or could be sold, and the seller had only a lien upon it for the price. That seemed to be the same kind of property as that given by this promesse de vente. Now that property did not give a vote, though eminent men had thought it might do so. If, however, there were no process by which the property conveyed by promesse de vente, could be again reduced into the possession of the seller it must of course be an indefensible freehold.<sup>42</sup>

MR. WILSON said he understood that this promesse de vente was a sale on condition, which not being fulfilled the vendor could re-enter on. Now he believed that would be a freehold estate and would give a vote. It was not generally adopted in Upper Canada, but it might be.<sup>43</sup>

Some further technical discussion then occurred which would be quite unintelligible to any but lawyers.<sup>44</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Cauchon reported, That the Committee had made some progress,*

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*and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again, on Monday next.*

*Orders  
deferred.*

*Ordered, That the remaining Orders of the day be postponed till Monday next.*

*Then, on motion of the Honorable Mr. Attorney General LaFontaine,  
seconded by Mr. Richards,*

*The House adjourned until Monday next.*

FOOTNOTES: 16 MARCH 1849.

1. This matter was reported by: PILOT, 19 March 1849, and GLOBE, 24 March 1849, in identical accounts.
2. PILOT, 19 March 1849.
3. IBID.
4. IBID.
5. The debate on this matter was reported by: MONTREAL GAZETTE, 19 March 1849; BROCKVILLE RECORDER, 22 March 1849, and STANSTEAD JOURNAL, 29 March 1849, in identical accounts; PILOT, 19 March 1849, and GLOBE, 24 March 1849, in accounts identical except that the GLOBE omitted Sherwood's speech. LA MINERVE, 19 March 1849, noted the debate; and PILOT, 19 March 1849, and PACKET, 24 March 1849, noted it in identical accounts.
6. MONTREAL GAZETTE, 19 March 1849.
7. PILOT, 19 March 1849.
8. IBID.
9. IBID.
10. IBID. The ellipsis represents illegible lines.
11. PILOT, 19 March 1849.
12. IBID. The ellipsis represents illegible lines.
13. MONTREAL GAZETTE, 19 March 1849.
14. PILOT, 19 March 1849.
15. IBID.
16. The debate on this matter was reported by: PILOT, 19 March 1849, GLOBE, 24 March 1849, and PROVINCIALIST, 29 March 1849, in accounts identical except that the GLOBE abbreviated one speech and omitted another, and PROVINCIALIST omitted a very small part of the account; and LA MINERVE, 19 March 1849. MONTREAL GAZETTE, 19 March 1849, noted the debate; and PILOT, 19 March 1849, and PACKET, 24 March 1849, noted it in identical accounts.
17. PILOT, 19 March 1849.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID. The ellipsis represents illegible lines.
26. PILOT, 19 March 1849.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.



- 36. IBID.
- 37. IBID.
- 38. IBID.
- 39. IBID.
- 40. IBID.
- 41. IBID.
- 42. IBID.
- 43. IBID.
- 44. IBID.

MONDAY, 19 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Lemieux,--The Petition of Charles Robertson and others, of the Parish of St. Joseph, Pointe Lévy.

By Mr. Fergusson,--The Petition of Jacob S. Shoemaker, Chairman, and Christian Enslin, Secretary, on behalf of a public meeting of the inhabitants of the Township of Waterloo.

By the Honorable Mr. Boulton,--The Petition of John Haggert and others.

By Mr. Morrison,--The Petition of John Holmes and others, of Chinguacousey and its vicinity.

By Mr. Macdonald, of Glengarry,--The Petition of John Mackenzie, Moderator, on behalf of the Ministers and Elders of the Presbytery of Glengarry; and the Petition of the Magistrates of the Eastern District in Special Session assembled.

By the Honorable Mr. Sherwood,--The Petition of The Bank of Upper Canada (Debentures).

By Sir Allan N. MacNab,--The Petition of Frederick J. Cheshire, of the Township of Tuscarora, District of Gore.

By the Honorable Mr. Cameron, of Kent,--The Petition of James Burns, Esquire, M.D. and others, of the Village and vicinity of Stratford.

In favour of the payment of the Lower Canadian Rebellion Losses. (Hear, hear.)<sup>1</sup>

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By the Honorable Mr. Papineau,--The Petition of the Reverend Pierre Bed- and others, of the Parish of St. Rémi, District of Montreal; and the Petition of the Reverend C. L. Vinet and others, of the Parish of St. Constant, District of Montreal.

By the Honorable Mr. Merritt,--The Petition of Abishai Morse and others, of the District of Niagara; and the Petition of Dennis Woolverton and others, of Grimsby and other Townships.

Stuart's Relief  
Bill.

An engrossed Bill to enable Charles James Stuart, Esquire, to practise the Law in Lower Canada, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

Lachine Rail-  
road Bill.

An engrossed Bill to amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act further to amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes."

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and

*desire their concurrence.*

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of Boucher de LaBruère and others, of the Parish of Saint Hyacinthe; praying that the Village of Saint Hyacinthe may not be incorporated with the limits prayed for by the Petition of the inhabitants thereof.

Of R. M'Connell and others, of the County of Ottawa; praying for the passing of an Act to authorize Thomsonian Physicians to practice, and to collect pay for professional services.

Of Joseph Héneau dit Deschamps, landowner in the Grande Isle de Beauharnois; representing that he has sustained damage by quarry excavations on his property and otherwise, on account of the Beauharnois Canal, and that hitherto he has failed to obtain indemnification therefor, and praying relief.

Of Henry Rinch, of the Township of Clarke, District of Newcastle; complaining that a certain Clergy Reserve Lot in the said Township which he leased in 1831, and upon which he had made improvements, has been set apart as a Glebe Lot, and praying redress.

Of the Municipal Council of the Western District; praying for an appropriation out of the funds which may accrue from the Post Office Department, for the improvement of the Road travelled by the mail stage between Chatham and Windsor.

Of John W. Gwynne, Esquire, and others, Directors of the Toronto and Goderich Railroad Company; praying for an appropriation of certain waste lands of the Crown to promote the construction of the said Railroad.

Of George Crawford and others, of the District of Johnstown; praying that the Tariff of Duties on foreign importations may be so amended as to afford protection to domestic manufactures.

Of John O. Hatt and others, Stockholders in the Desjardins Canal Company; praying that the prayer of the Petition of the President and Directors of the said Company, for an amendment to the Act authorizing them to borrow a certain sum of money for the completion of the said Canal, be not granted.

Of John Shore and others, of the fifth Concession of the Township of Westmeath; praying that the said Concession may be attached to the County of Middlesex, in case the proposed division of the London District be made.

Of W. G. Chambers, of Kingston; setting forth his claim to a grant of land as the eldest son of the late William Chambers who served as an Officer in the Royal Navy, at Sea and in Canada.

Of John A. Gemmill and others, of the District of Bathurst; praying for aid for the survey and completion of a Road from the Town of Brockville by a certain route to intersect the proposed Road from Bytown to Pembroke.

Of the Municipal Council of the County of Rouville; praying for an amendment of the Law regulating tavern licences, and for the promotion of temperance.

Some discussion took place on the subject of referring sundry private petitions; but nothing of public importance occurred.<sup>2</sup>

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Petition of G.O.  
Stuart and others;

Ordered, That the Petition of G. O'Kill Stuart,  
Esquire, and others, Stockholders in the Quebec



Protestant Cemetery Association, be referred to the Standing Committee on Miscellaneous Private Bills.

Of G. S. Wilkes and others, referred.

Resolved, That the Petition of George S. Wilkes and others, Officers and Members of the Brantford Hook and Ladder Company Number One, be referred to a Select Committee composed of Mr. Smith, of Wentworth, Mr. Thompson, Mr. Hall, the Honorable Mr. Robinson, and Mr. Smith, of Durham, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

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Message from the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Reciprocity Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States," with several Amendments, to which they desire the concurrence of this House: And also,

Public Health Bill.

The Legislative Council have passed a Bill, intituled, "An Act to make provision for the preservation of the Public Health in certain emergencies;" to which they desire the concurrence of this House: And also,

Notarial Profession Organization Bill.

The Legislative Council give leave to the Honorable Jean Baptiste Taché, one of their Members, to attend the Select Committee to which is referred the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada, on Tuesday next, at ten o'clock in the forenoon, to be examined on the subject of the said reference, if he thinks fit.

And then he withdrew.

Petition of J. Smolinski.

Mr. Laurin moved, seconded by Mr. Lemieux, and the Question being put, That that part of the Petition of Joseph Smolinski, of Montreal, relating to Calorifers, and which has not been taken into consideration by the Standing Committee on Contingencies, be referred to a Select Committee composed of Mr. Chabot, Mr. Lemieux, Mr. Guillet, Mr. Cauchon, and the mover, to report thereon with all convenient speed; with power to send for persons, papers, and records;<sup>3</sup>

Some conversation took place on the plan proposed by Mr. Smolenski for heating the House, the Committee appointed to inquire into the matter had reported unfavourably to the plan, and an attempt was now made to have a Committee appointed to inquire if it might not be applied with advantage in the heating of the Government offices now heated by Mr. Prowse's patent invention, but the house ... refused to entertain the subject as being one not properly coming within the province of the House.<sup>4</sup>

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The House divided:--And it passed in the Negative.

Petition of T.  
C. Lee and  
others.

Ordered, That Mr. Chabot be added to the Select Committee to which is referred the Petition of Thomas C. Lee and others, of the City of Quebec, and others interested in the Shipping frequent-

ing the Port of Quebec.

Second Report  
of Committee  
on Miscellane-  
ous Private  
Bills.

Mr. Sherwood, of Brockville, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and have agreed to report the same without amendment,

viz:

Bill to incorporate the Quebec Gas Company (as amended in a Committee of the whole House).

Bill to incorporate "The City of Kingston Water Works Company" (as amended in a Committee of the whole House.)

Bill to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank.

They have also examined the following Bills, and have made certain amendments to each of them, respectively, which they beg leave to submit for the adoption of Your Honorable House, viz:

Bill to incorporate certain persons under the name of the Quebec Forwarding Company.

Bill to incorporate the Canada Life Assurance Company.

On motion of the Honorable Mr. Macdonald, seconded by Mr. Smith of Frontenac,

Kingston Water  
Works Bill.

Ordered, That the Bill to incorporate "The City of Kingston Water Works Company," as reported from the Standing Committee on Miscellaneous Private

Bills, be engrossed.

On motion of Mr. Thompson, seconded by Mr. Sherwood, of Brockville,  
Gore Bank Bill.

Ordered, That the Bill to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank, be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Johnson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Johnson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Johnson reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

On motion of Mr. Chabot, seconded by Mr. Méthot,

Quebec Gas  
Company Bill.

Ordered, That the Bill to incorporate the Quebec Gas  
Company, as reported from the Standing Committee  
on Miscellaneous Private Bills, be now recommitted  
to a Committee of the whole House.

The House accordingly resolved itself into the said Committee; and  
after some time spent therein,

Mr. Smith, of Frontenac, took the Chair of the Committee; and after  
some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Smith, of Frontenac, reported, That the Committee had gone  
through the Bill, and made another amendment thereunto.

Ordered, That the Report be now received.

Mr. Smith, of Frontenac, reported the Bill accordingly; and the amend-  
ment was read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Mac-  
donald,

Canada Life  
Assurance  
Company Bill.

Ordered, That the Bill to incorporate the Canada Life  
Assurance Company, as reported from the Standing  
Committee on Miscellaneous Private Bills, be now  
committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Notman took the Chair of the Committee;<sup>5</sup>

On the 3rd clause MR. INSP. GEN. HINCKS moved an amendment to the  
effect of striking out the words "the chartered banks or other incorpor-  
ated companies." The effect of this amendment would be to prevent the  
company from investing its capital in the stock of the chartered banks  
or other incorporated companies.<sup>6</sup>

SIR A. MACNAB, MR. H. SHERWOOD (Toronto), and MR. THOMPSON, opposed  
this amendment, as destructive of the confidence which the public ought  
to have in the banks, and which it was most important that the government  
should do all in its power to maintain.<sup>7</sup>

MR. INSP. GEN. HINCKS replied that they had the utmost confidence in  
the banks; but it was evident from the experience of existing institutions--  
for example, the Montreal Savings Bank, that much loss might accrue to the  
public by institutions of this kind making investments in Bank Stock,  
which might become depreciated to a very great extent. The City Bank and  
Gore Bank, were examples of the extent to which this might go.<sup>8</sup>

MR. ASST. COM. P.W. CAMERON, (Kent,) supported the same view of the  
case.<sup>9</sup>

MR. HOLMES hoped the motion would be withdrawn; if it were not, he could



not support it. He believed the loss of the Savings Bank arose rather from loans on mortgages, than from investments in bank stock, for it was well known that much real property mortgaged for loans, would not now sell for more than thirty, fifty, or sixty per cent. less than the amount lent. He would prefer no security to the public, that the directors should be liable to some penalty, or responsibility. Or he would have preferred that the same rule should be adopted here, or was adopted by practice, if not compelled by law in England. He would prefer that the banks should be restricted to government securities, which, besides other advantages, would be certainly much less invidious than the present amendment.<sup>10</sup>

DR. BEAUBIEN made some observations against the amendment<sup>11</sup>.

MR. INSP. GEN. HINCKS again denied that he had any hostile feeling to the Banks; but he hoped the House would bear in mind that the money, which it was now a question about investing, was the money which ought to belong to the widow and orphan--the savings of the father for those he left behind him. Ought not the House, therefore, to take care to protect the interest of these unprotected people. Now, it must be borne in mind that these companies are differently situated from English companies, inasmuch as there every shareholder is liable to the full amount of charter, whereas here, this company was to have limited liability. Now, with this limit to their responsibility, the profits of these companies might be unlimited so far as the law was concerned; and it was, therefore, the policy of the directors to invest, in whatever stocks promised most profit, however gambling the nature of those stocks might be. Now, there was this difference between landed security and bank stock--that in the former case, the security could not be all destroyed, and that if persons were only sufficiently cautious, they could rarely or never lose; if they did, it was their own fault. But in the latter case the whole amount of the stock might be destroyed; it was said, indeed, that there was the double liability of the stock holders; but that made the matter so much the worse, because the Insurance Company, holding stock in an insolvent bank, might be compelled to pay this double amount of their stock. In the same way Government securities always produced 6 per cent., and sometime or other they would be paid. They could not be absolutely destroyed, as bank stock might. Had the bill been drawn according to his ideas, the company would be restricted to Government securities only; as it stood now, the company might invest in mining stock, which he had seen running from \$10 down to a quarter dollar a share.<sup>12</sup>

After a long discussion, the amendment was rejected by a very large majority.<sup>13</sup>

COL. GUGY enquired what course the ministry intended to pursue in consequence of their defeat?--(Laughter.) The opposition were quite prepared to consent to an adjournment. (Laughter.)<sup>14</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Notman reported, That the Committee had gone through the Bill,*

and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Notman reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Bill respecting  
Aprons to Mill  
Dams.

The Honorable Mr. Boulton reported from the Select Committee on the Bill to repeal the several Laws now in force in Upper Canada, regulating the construction of Aprons to Mill Dams, and to make provision for better defining the mode of constructing the same, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Registry Laws  
(U.C.) Bill.

Mr. Smith, of Frontenac, reported from the Select Committee on the Bill to amend the Registry Laws of Upper Canada, and the Bill to provide for the Sale under Execution of the interest of Mortgagers and Mortgagees in real estate in Upper Canada, That the Committee had gone through the Bill to amend the

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Registry Laws of Upper Canada, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Ordered, That the said Bill, as amended, be printed for the use of the Members of this House.

Bill to facilitate  
Actions against  
unincorporated  
Bodies.

Mr. Chauveau reported from the Select Committee on the Bill to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Societies and Companies, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday next.

L'Islet Regis-  
try Office Bill.

Mr. Fournier reported from the Select Committee on the Bill to provide for the removal of the Registry Office of the County of L'Islet from the place where it is now kept to the Parish of L'Islet, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Rebellion  
Claims (U.C.)

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, --Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 8th instant, praying that His Excellency will cause to

be laid before them, the Report of the Commissioners appointed to enquire into, and allow or reject, the claims of the Inhabitants of the late Province of Upper Canada, arising out of the late Rebellion and Invasion of this Province.

Appendix (P.P.P.)

For the said Return, see Appendix (P.P.P.)

Registration and Statistics.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--The First Report of the Board of Registration and Statistics for the Province of Canada, constituted under authority of the Act of the Provincial Parliament 10 & 11 Vic. c. 14.

Appendix (B.)

For the said Report, see Appendix (B.)

On motion of Mr. Wetenhall, seconded by Sir Allan N. MacNab,  
Hamilton and Gore Mechanics Institute Bill.

Ordered, That the Bill to incorporate the Hamilton and Gore Mechanics' Institute, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

On motion of Mr. Méthot, seconded by Mr. Fortier,  
Quebec Forwarding Company Bill.

Ordered, That the Bill to incorporate certain persons under the name of the Quebec Forwarding Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

Drummond Municipality Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to divide the Municipality of Drummond into two Municipalities," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:

Press 1, line 27. After "the" insert "first Saturday in July next after the."

Press 2, line 14. After "the" where it occurs the first time, insert "first Saturday in July next after the."

Press 2, line 20. Leave out "first" and insert "second."

Press 2, line 28. Leave out "first" and insert "second."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Watts do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Schools and Colleges.

Ordered, That the Return to so much of an Address of this House to His Excellency the Governor General, dated 29th January, 1849, as relates to all special grants to Schools and Colleges, laid before the House on Monday, the eighth



instant, be printed for the use of the Members of this House.

Reciprocity  
Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to provide for the free admission of certain Articles of the growth or production of the United States of America into Canada, whenever similar Articles the growth and production of Canada shall be admitted without Duty into the said States," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 1, line 17. Leave out from "heretofore" to "passed" in line 18, both inclusive.

In the Preamble, line 1. Leave out from "Whereas" to "Be" in line 9, and insert "it is desirable to provide for the free admission into Canada of certain Articles of the growth or production of the United States of America mentioned in the Schedule to this Act annexed, whenever similar Articles the growth or production of Canada shall be admitted without Duty into the said States."

In the Title, line 1. After "admission" insert "into Canada".

In the Title, line 3. Leave out from "into" to "States" in line 6, both inclusive, and insert "on certain conditions therein mentioned."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Merritt do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of Mr. Chabot, seconded by Mr. Méthot,

Ursuline Nuns  
of Quebec  
Property Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Ursuline Nuns of Quebec to acquire and hold additional real and personal property to a certain amount," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, to-morrow.

On motion of Mr. Solicitor General Blake, seconded by Mr. Morrison,

Public Health  
Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to make provision for the preservation of the Public Health in certain emergencies," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Friday next.

Ste. Anne des  
Monts and  
Cape Chat Mun-  
icipality Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to detach the settlement of Ste. Anne des Monts and Cape Chat from the Municipality of Gaspé, and to erect them into a separate Muni-

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pality.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Lower Canada  
Bar Incorpor-  
ation Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to incorporate the Bar of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Sheriff, Crier,  
and Tipstaff of  
Montreal.

Ordered, That the Select Committee to which are referred the Returns to Addresses to His Excellency the Governor General, of the 23d January last, praying for Statements of the Income derived by the Sheriff of the District of Montreal, and by the Crier and Tipstaff of the Court of Queen's Bench for the said District, for the last five years, presented to this House on the 31st January and 8th February last, have leave to report from time to time.

Circuit Courts  
(L.C.)

Ordered, That the Returns of the Clerks of the Circuit Courts in Lower Canada, laid before the House on the first instant, received in conformity to an Order of the House of the 30th January last, be referred to the said Committee.

On motion of Mr. Burritt, seconded by Mr. Smith, of Durham,

Petition of W.  
Gibson and  
others.

Ordered, That the Entry in the Journal of this House, of the 6th June, 1846, containing the Report of the Select Committee to which was referred the Petition of William Gibson, Esquire, and others, freeholders of the Township of Edwardsburgh, praying that the Town line may be continued from the rear of the fifth Concession to the rear of the fifth Concession to the rear of the Township, agreeably to the Map in the Surveyor General's Office, be now read.

And the same was read accordingly.

Resolved, That the said Entry be referred to a Select Committee composed of Mr. Burritt, Mr. Sherwood, of Brockville, Mr. Bell, Mr. Thompson, and Mr. Crysler, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Committee on  
Road and  
Bridge Bills.

Mr. Fortier moved, seconded by Mr. Chauveau, and the Question being proposed, That Mr. Polette be added to the Standing Committee on Road and Bridge Bills, in the place of the Honorable Mr.

Cameron, of Cornwall.

Sir Allan N. MacNab moved in amendment to the Question, That the words "Mr. Polette" be left out, and the words "Mr. Seymour" inserted instead thereof:

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That Mr. Seymour be added to the Standing Committee on Road and Bridge Bills, in the place of the Honorable Mr. Cameron, of Cornwall.

City Bank  
Act Amend-  
ment Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Act incorporating the City Bank, and to provide for a reduction of its Capital Stock.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Lake St. Louis  
and Province Line  
Railway Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Act incorporating the Lake St. Louis and Province Line Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. CHABOT<sup>15</sup> asked leave to bring in a bill to amend the act of incorporation of the city of Quebec, so as to better provide for the maintenance of the public health.<sup>16</sup>

MR. INSP. GEN. HINCKS recommended the postponement of the motion--there was a general measure already before the House for the preservation of the public health, which might probably render this measure unnecessary.<sup>17</sup>

MR. CHABOT should press his motion, as this was but a short bill, applicable to Quebec, for purposes which would not be met by the public health bill.<sup>18</sup>

Quebec  
Health Bill.

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Ordered, That Mr. Chabot have leave to bring in a Bill to provide for the Health of the City of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Petition of B.  
H. Charlebois  
and others.

Ordered, That Mr. Chauveau be added to the Select Committee to which is referred the Petition of B. H. Charlebois, Esquire, and others, Physicians and Surgeons of Lower Canada, and another

reference.

Church Wardens  
Bill.

Ordered, That Mr. Chabot have leave to bring in a Bill to regulate the mode of calling and holding meetings for the election of Church Wardens, and the rendering of accounts by Church Wardens, and to establish the qualification of persons entitled to attend such meetings, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.



Guardians' Appointment (U.C.) Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to provide for the appointment of Guardians to restrain the improvidence of persons incompetent to manage property in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the second day of April next.

St. Patrick's Society Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to incorporate the St. Patrick's Society of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Printing.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Cameron, of Kent, and the Question being put, That the Order of the day for the House in Committee on the First Report of the Standing Committee on Printing, and on the Petition of Messieurs Lovell and Gibson, Contractors for the Sessional Printing of the Legislative Assembly, be now read;

The House divided:

Yeas, 28.

Nays, 19.

So it was resolved in the Affirmative.

And the Order of the day being read; the House accordingly resolved itself into the said Committee.

Mr. Brooks took the Chair of the Committee;<sup>19</sup>

MR. CHABOT was surprised that a measure of that importance should be brought up when hon. members were not aware of it. One of the last of the Orders of the Day should not be brought up without notice, or members could have no protection unless they were constantly fixed to their seats. He objected to a clause in the Report, and he could not let it pass:—"That Private Bills of Upper Canada should be printed in English only."<sup>20</sup> He scarcely expected to see such a report brought before the House, and that, too, by a member of the present Cabinet.<sup>21</sup> He was surprised that the Hon. Inspector General should preside at a Committee, and allow a clause of that kind to be introduced into the Report.<sup>22</sup> He did not see why those distinctions should be kept up. Surely they did not pass the Acts of Parliament for this or that section, but the whole Province. Besides it should be remembered that the printing of Bills ((was)) not done merely for the information of hon. members, but also that they might be able to refer them to their constituents. It would, therefore, be an act of injustice to hon. gentlemen representing French constituencies to adopt the recommendation of this report.<sup>23</sup> All laws should be printed in both languages, and he would never submit to anything else. If the Government chose to do otherwise, they might do as they liked, and he would remain where he was.<sup>24</sup>

MR. J.S. MACDONALD (Glengarry) said that the hon. gentleman opposite had very little reason to get into such high drudgeon (sic) about the report.

The Committee had recommended that this course should be adopted, in order to save ((a)) portion of the enormous expense of printing all the bills that came before the House, in French and English, and not from any desire to refuse any information to the hon. gentlemen who spoke in French. There were, however, numbers of bills referring to Upper Canada, which could be of no possible interest to those hon. gentlemen. What interest, for instance, could hon. gentlemen have in the "bill to incorporate a company to construct a plank road through the concession of ... Yorkshire," or in the "bill to incorporate the Elora and Saugeon road company." (Laughter.) Such bills could be of no use to any one of them, and yet the moment such a harmless measure as this was introduced, there was an outcry as if "La grande union Canadienne" was going to be destroyed. (Hear, hear.) Numbers of those bills were only printed to be destroyed; and respecting the French bills, he could assure the hon. gentleman from Quebec, that he would rather pay a fine than read any of them.<sup>25</sup>

MR. CHABOT did not wish to make expense, and he thought there were a great many Division Bills printed, which need not be so.<sup>26</sup>

MR. HOLMES was surprised to hear the hon. member make the remarks he had done.<sup>27</sup> He (Mr. H.) was a member of the Committee on Printing, and he could tell the hon. member that the suggestion did not emanate from the Inspector General nor from any particular section of the House or origin; it was the universal expression of every member of the Committee with a view to saving expense which was universally complained of both in the Committee and in the House. The expenses of printing amounted to, from £6,000 to £9,000 per annum, and it was therefore suggested by a French Canadian member, that bills which were brought forward exclusively for the benefit of communities or sections in Upper Canada, should be printed in the English language only, and the suggestion was acquiesced in by the U.C. members<sup>28</sup>. A Bill to erect a bridge over a small stream in Upper Canada, could be of no interest to members from Lower Canada. And notes in the French language, stating the object of the Bill, was to be printed on the margin.<sup>29</sup> The same plan would not, however, apply to L.C., where there was a good mixed population. It was, therefore, agreed, that Upper Canada Bills (in which Lower Canadian members took no interest) would be printed exclusively in English, but that similar bills in Lower Canada--where the population was mixed--should be printed in French and English, when the parties introducing it desired it, but not otherwise. (Hear, hear.)<sup>30</sup>

MR. PAPINEAU said, that they ought to be guided by principles of justice. There were French in Upper Canada who did not understand English, and all Bills ought to be printed in French. They ought to understand each other. He (Mr. P.) thought the present a singular mode of economy, when they were spending such large sums in the manner they did. He thought all considerations of economy ought to yield to those of justice.

MR. CHAUVEAU read the titles of some Bills which he should throw through his window; but he did not think that the hon. member from Montreal

had answered all the remarks of his hon. friend who had asked him why that should be restricted to Upper Canada? He (Mr. C.) thought that they ought not to depart from a correct principle. The expense of Printing was nothing, compared with inconveniences which might arise.<sup>32</sup>

MR. H. BOULTON (Norfolk) said there were a great many local Bills, which could be of no interest to hon. members from Lower Canada, and he did not think that there was one member in the House who could not read English; but if there were, he could go to the hon. member for Quebec, to translate for him.<sup>33</sup> Marginal notes were sufficient for all purposes.<sup>34</sup> There was, in truth, nothing more than a mere matter of etiquette, which he did not see should prevail to making a great additional expense. He had a large Bill on his hands, of no use to them; he saw them shying such Bills at each other's heads, to the great danger of their hats. He would be sorry to see any thing done that would hurt the feelings of the French Canadian members.<sup>35</sup>

MR. CHRISTIE said that there was another consideration in the Report, which was an act of injustice to Messrs. Lovell & Gibson.<sup>36</sup> This would be the case, he thought, if the work which they had been in the habit of doing during the Session was taken from them and given to others.<sup>37</sup> They had contracted for the whole of the Printing, and kept a large establishment of seventy men for that purpose. He would like to hear from the Hon. Inspector General what was to be done?<sup>38</sup>

MR. INSP. GEN. HINCKS explained that the only wish he had was to save expense.<sup>39</sup> ((He)) hoped that there would be no jealousy about languages, for both were placed upon an equal footing. The only difference was, that instead of being a matter of course to print private Bills in both languages, they would only be doing so when members desired.<sup>40</sup> The marginal notes, he thought, was sufficient. ... There were many bills of local nature connected with Upper Canada, which could not in any manner affect the interest of Lower Canada, and which there would be no use in printing in both languages.<sup>41</sup> He defied any French Canadian member to say that since the Union, any thing that was ever asked to be printed in French was refused.<sup>42</sup> With respect to the contents, he might state that Messrs. Lovell & Gibson had the lowest tender for the sessional printing, and that Mr. Campbell and Mr. Perrault's tender was the lowest for the journals and appendix. There were many documents which were ordered for printing during the session, and which properly belonged to the journals and appendix. These documents had been heretofore printed by Lovell & Gibson, at the same charge as was made for the sessional papers, and which was higher than the price received by Mr. Campbell and Mr. Perrault. The Committee thought that the price of such documents ought not to be charged higher than the journals and appendix, Messrs. Campbell and Perrault having offered to print them at the reduced price. No doubt both parties wished to get all the trade they could, and the Committee had shown every disposition to meet their wishes. For this purpose they had departed from one recommendation made in the report respecting the size of the type, and this they had done, at the request of Messrs. Lovell & Gibson.<sup>43</sup>

SIR A. MACNAB said that as Lovell and Gibson had been at the expense of some thousand pounds in providing themselves with materials<sup>44</sup> and an establish-



ment<sup>45</sup> to do the<sup>46</sup> Sessional Printing<sup>47</sup> of the house, and which they had printed in former years, he thought it would be unjust to take it from them if they were willing to do it at the reduced price. With respect to the documents in both languages, he agreed in the recommendations of the committee.<sup>48</sup>

MR. CAUCHON thought that it might be inconvenient to have Bills printed in the English only, with marginal notes in French. He thought it would be an act of injustice to Messrs. Lovell & Gibson to take the Printing from them when they<sup>49</sup> had been at a large expense in their preparations for the public printing. He was therefore disposed to protect them and give them the printing if they made the lowest offers.<sup>50</sup>

MR. CARTIER was in favor of the former part of the Report as regarded Messrs. Lovell & Gibson. They had only offered to do it lower when another had done so, and he thought it would be an injustice to give it to them then. He was against that part of the Report restricting the printing of Bills to one language.<sup>51</sup>

MR. H. BOULTON (Norfolk) said that when Messrs. Lovell & Gibson contracted for the Printing, they did so for the same price that they had paid in former years. It would be an act of great injustice to take it from them. If the House was in the condition of being sued, it might be sued for not fulfilling the contract; and he did not think that they should treat those hon. gentlemen in any different manner because they could not be sued.<sup>52</sup>

SIR A. MACNAB.--We were unable to hear in consequence of the noise in the House. We understood him to say, that he had just spoken to Mr. Lovell, and had been informed that they had hired 20 French Printers, who had been idle four days, in consequence of the work not having been sent to them.--They had offered to do it for the same price that others would, which the Hon. Inspector General had admitted; and even if it were given to them at the reduced price they ought to have it.<sup>53</sup>

MR. INSP. GEN. HINCKS had spoken to several members who did not understand the question. The case was that there was Sessional Printing and Printing the Journals, and it was right that the Appendix should go with the latter.<sup>54</sup>

SIR A. MACNAB asked if it had always been so?<sup>55</sup>

MR. INSP. GEN. HINCKS said because there had been an abuse it was no reason why it should be continued. The question was, what was Sessional Printing? Messrs. Lovell & Gibson had been paid at the rate of Sessional Printing for printing the Appendix. The best proof that the Committee was right was that Messrs. Lovell & Gibson had come forward and offered to do it at a lower rate. He had been guided by no party nor personal feelings, and the Report of the Committee was founded on strict justice.<sup>56</sup>

MR. W. BOULTON (Toronto) thought that they were entitled to the rate for which they contracted, and should be allowed to go on with it. The more especially should they be allowed to go on when they had offered to do it at as low a price as others.<sup>57</sup>

MR. CHRISTIE's remarks at the commencement were entirely inaudible, in consequence of a buzz in the House, and hon. members shying Bills about. We understood him to say that Messrs. Lovell & Gibson had already printed 70 documents--they did not expect to get all the Appendix, but only such parts as were Sessional Printing. The House was bound for what it had contracted, and might be sued if it were a private individual. He thought that the honor of the House was concerned.<sup>58</sup>

MR. INSP. GEN. HINCKS pointed out that if what the hon. member for Gaspé had stated was true, Messrs. Lovell and Gibson could not be so very much the loser if the printing was given to somebody else.<sup>59</sup>

MR. ROBINSON said that he understood that Messrs. Campbell and Perrault were quite taken by surprise, by the report of the Committee giving the printing of the Journal and Appendix from Messrs. Lovell & Gibson; they had not applied for it nor desired it.<sup>60</sup>

MR. INSP. GEN. HINCKS said Mr. Campbell had applied to him as chairman of the Committee, and considered that he was entitled to this work, and he believed Mr. Perrault was of the same opinion.<sup>61</sup>

MR. ARMSTRONG was on the Printing Committee in 1844, and Messrs. Lovell & Gibson then printed much lower than anybody else. The Committee wondered how they did so, and found that it was because they had the journals. He thought it wrong to take from them what they had so long, and done so well.<sup>62</sup>

((There was)) some further conversation which was nearly inaudible in the Reporter's box, owing to the noise in the House, the buz (sic) of conversation and the cries of "question".<sup>63</sup>

MR. JOBIN thought the printing should not be taken from Messrs. Lovell & Gibson. He had been told by one of the printers of the Journals, that they did not expect it.<sup>64</sup>

MR. DEWITT, as we understood him, said, that translating from English to French was a considerable expense.<sup>65</sup>

MR. STEVENSON said it was right to give the Printing for this Session as it had been given before.<sup>66</sup>

An amendment ((was)) proposed by MR. JOBIN, to the effect that the printing should still be given to Lovell & Gibson, provided they would take it at the reduced terms<sup>67</sup>.

Negatived;--Ayes, 25; Nays, 31.<sup>68</sup>

MR. CHABOT moved an amendment, to alter that part of the report which recommended that certain Upper Canada bills should be printed in the English language only.<sup>69</sup>

MR. LEMIEUX supported the amendment.<sup>70</sup>

MR. H. SHERWOOD (Toronto) contended that the amendment was out of order, the question before the committee, was that the report of the committee be concurred in, they could not, therefore, move to alter a certain part of the report.<sup>71</sup>

On the motion of MR. H. BOULTON (Norfolk) the chairman left the chair of the committee<sup>72</sup>.

MR. MORIN, the Speaker, after some discussion on the point of order, decided that the motion to alter the report of a special committee, was not in order; those opposed to the contents of the report should negative the reception of it, and then move a string of resolutions embodying their own views.<sup>73</sup>

The Committee resumed and the report of the Special Committee on printing was rejected.<sup>74</sup>

Several members called for a new division on the ground that there had been a miscount.<sup>75</sup>

MR. H. SHERWOOD moved that the Committee rise<sup>76</sup>.

Negatived on a division after some discussion<sup>77</sup>.

Ultimately the Committee rose on the understanding that the Standing Committee on Printing would have to make a new report.<sup>78</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair.

Weights and Measures Bill.

Mr. DeWitt reported the Bill to amend the several Laws therein mentioned relative to the appointment and duties of Inspectors of Weights and Measures in Upper Canada; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

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St. George's Society Bill.

Mr. Watts reported the Bill to incorporate the St. George's Society of Quebec; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Orders deferred.

Mr. Watts moved, seconded by Mr. Notman, and the Question being put, That the remaining Orders of the day be postponed until to-morrow;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Attorney General Baldwin, Bell, Boulton of TORONTO, Cauchon, Chauveau, Crysler, Dickson, Solicitor General Drummond, Flint, Guillet, Hincks, Jobin, Johnson, Laterrière, Macdonald of GLENGARRY, Sir Allan N. MacNab, Marquis, M'Farland, Notman, Papineau, Price, Richards, Seymour, Smith of DURHAM, and Watts.--(25.)

NAYS.

Messieurs Cartier, DeWitt, Dumas, Fortier, Fourquin, Laurin, Lemieux, M'Connell, Méthot, Mongenais, Nelson, Polette, Robinson, Sauvageau, Stevenson, Taché, Viger, and Wilson.--(18.)



*So it was resolved in the Affirmative.*

Ordered, *That the remaining Orders of the day be postponed till to-morrow.*

*Then, on motion of Mr. Watts, seconded by Mr. Notman,  
The House adjourned.*

APPENDIX: 19 MARCH 1849.

((NOTICE OF MOTION RE: STATE OF THE PROVINCE.))

M. H. SHERWOOD de Toronto, a donné avis ... que, le deux avril, il proposerait de résoudre que la chambre se mette en comité général pour considérer l'état de la province.<sup>79</sup>

((QUESTION AND ANSWER RE: QUEBEC AND HALIFAX RAILROAD.))<sup>80</sup>

MR. CHAUVEAU ((enquired)) whether the Correspondence between the Province and Imperial Governments, on the subject of the Quebec and Halifax Rail-Road, had made any, and what progress.<sup>81</sup>

MR. INSP. GEN. HINCKS stated that they had no correspondence by the last Mail.<sup>82</sup>

FOOTNOTES: 19 MARCH 1849.

1. PILOT, 21 March 1849.
2. IBID.
3. This motion was reported by: LA MINERVE, 22 March 1849; and PILOT, 21 March 1849, and GLOBE, 28 March 1849, in identical accounts.
4. PILOT, 21 March 1849.
5. The debate on this matter was reported by: MONTREAL GAZETTE, 21 March 1849; LA MINERVE, 22 March 1849; and PILOT, 21 March 1849, and GLOBE, 28 March 1849, in identical accounts. PILOT, 21 March 1849, and HAMILTON SPECTATOR, 28 March 1849, noted the debate.
6. PILOT, 21 March 1849.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. This matter was reported by: PILOT, 21 March 1849, and GLOBE, 28 March 1849, in identical accounts.
16. PILOT, 21 March 1849.
17. IBID.
18. IBID.
19. The debate on this matter was reported by: MONTREAL GAZETTE, 21 March 1849; LA MINERVE, 22 March 1849; and PILOT, 21 March 1849, and GLOBE, 28 March 1849, in identical accounts. The GLOBE will be used instead of the PILOT whenever necessary.
20. MONTREAL GAZETTE, 21 March 1849.
21. GLOBE, 28 March 1849.
22. MONTREAL GAZETTE, 21 March 1849.
23. GLOBE, 28 March 1849.
24. MONTREAL GAZETTE, 21 March 1849.
25. GLOBE, 28 March 1849.
26. MONTREAL GAZETTE, 21 March 1849.
27. IBID.
28. GLOBE, 28 March 1849.
29. MONTREAL GAZETTE, 21 March 1849.
30. GLOBE, 28 March 1849.
31. MONTREAL GAZETTE, 21 March 1849.
32. IBID.
33. IBID.
34. GLOBE, 28 March 1849.
35. MONTREAL GAZETTE, 21 March 1849.
36. IBID.
37. GLOBE, 28 March 1849.
38. MONTREAL GAZETTE, 21 March 1849.
39. GLOBE, 28 March 1849.



40. MONTREAL GAZETTE, 21 March 1849.
41. GLOBE, 28 March 1849.
42. MONTREAL GAZETTE, 21 March 1849.
43. GLOBE, 28 March 1849.
44. IBID.
45. MONTREAL GAZETTE, 21 March 1849.
46. GLOBE, 28 March 1849.
47. MONTREAL GAZETTE, 21 March 1849.
48. GLOBE, 28 March 1849.
49. MONTREAL GAZETTE, 21 March 1849.
50. GLOBE, 28 March 1849.
51. MONTREAL GAZETTE, 21 March 1849.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. GLOBE, 28 March 1849.
60. IBID.
61. IBID.
62. MONTREAL GAZETTE, 21 March 1849.
63. GLOBE, 28 March 1849.
64. MONTREAL GAZETTE, 21 March 1849.
65. IBID.
66. IBID.
67. GLOBE, 28 March 1849.
68. MONTREAL GAZETTE, 21 March 1849.
69. GLOBE, 28 March 1849.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. LE JOURNAL DE QUEBEC, 22 March 1849, which added: "C'est l'ancienne histoire de la chambre du Bas-Canada. Sans doute que, dans ce comité général, on discutera la grave question de savoir s'il est ou non expédient d'agiter l'annexion, et peut-être, mieux probablement, veut-on substituer ce mode plus constitutionnel à la convention de Kingston dont je vous ai parlé l'autre jour."
80. This matter was reported by: MONTREAL GAZETTE, 21 March 1849; and MORNING CHRONICLE, 21 March 1849, and BRITISH WHIG, 21 March 1849, in identical accounts.
81. MONTREAL GAZETTE, 21 March 1849.
82. IBID.

TUESDAY, 20 MARCH 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Bouthillier,--The Petition of E. Cartier and others, of the Parish of St. Hyacinthe; and the Petition of E.L.R.C. Desprès and J.F. Tetu, of the Parish of St. Hyacinthe.

By Mr. Cauchon,--The Petition of Joseph Sauvageau and others, School Commissioners of the Municipality of Deschambault.

By the Honorable Mr. Laterrière,--The Petition of Mrs. Sophie B. Rousseau and others, of the Parish of St. Pierre and St. Paul, County of Saguenay.

By Mr. Méthot,--The Petition of the Quebec Board of Trade (Stevedores).

Gore Bank  
Bill.

An engrossed Bill to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thompson do carry the Bill to the Legislative Council, and desire their concurrence.

St. George's  
Society Bill.

An engrossed Bill to incorporate the St. George's Society of Quebec, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Weights and  
Measures Bill.

An engrossed Bill to amend the several Laws therein mentioned, relative to the appointment and duties of Inspectors of Weights and Measures in

Upper Canada, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Smith, of Durham, do carry the Bill to the Legislative Council, and desire their concurrence.

Report on  
Petition of  
W. Simpson  
and A.R. Ward.

Mr. Bell, from the Select Committee to which was referred the Petition of William Simpson and Abel R. Ward, of the Village of Smith's Falls, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the original Petition of John M'Gill Chambers and others, which was referred to the Committee on whose Report the Statute 10 & 11 Vic. c.53, was passed, the prayer of which was in effect desiring the Legislature "to vest in one or more competent persons the power to survey the boundary line between the Townships of Montague and North Elmsley, and to determine, if possible, the precise spot where the original post at Lot No. 30, in the fourth concession of Montague, actually stood, by the best means in their power, and that such position of the post so decided and fixed upon, and

such survey to be made, shall be known and established as the true boundary line between the said Townships in all time coming, as if such post had really existed." By referring to the Statute, Your Committee find that, instead of appointing competent persons to make a survey, and ascertain, if possible, the true position of the said original post, according to the prayer of the Petition, an arbitrary line was fixed thereby, which, in the opinion of Your Committee, will, if unrepealed, work great and manifest injustice to the owners of real estate on Lot No. 1, in the first concession of North Elmsley.

Your Committee are of opinion, that if the facts which have been brought before them had been made known to the said Committee, they would not have recommended the passing of the said Act.

Accompanying the Petition referred to Your Committee, are Reports by John Booth and William Campbell, Esquires, Deputy Provincial Surveyors, gentlemen of acknowledged probity and high professional skill, containing facts and statements from actual surveys made long before and since the passing of the said Act, which satisfy Your Committee that the true point or limit at which the original post or monument, at the southerly angle of said Lot No. 30, can be and always could have been readily ascertained.

It does not appear from the Report of the said Committee, that any evidence, by Surveyors, from actual survey, was given before them, but that the only evidence laid before them, except by Mr. Russell, of the Surveyor General's Office, was that of John M'Gill Chambers, who appears to Your Committee to be a person largely benefitted by the operation of the Statute. Your Committee have called Mr. Russell, with the original plans, before them, and have submitted to him the Reports of Messrs. Booth and Campbell, whose professional standing and personal character are vouched for by him; and after a careful examination and consideration of all the documents and plans, he now states that in his belief there was no necessity for passing the said Act, and that in his opinion the decision of the point should have been left to the ordinary law of the country.

Your Committee, therefore, unanimously recommend that the said Act be repealed.

Montague  
Boundary  
Line Bill.

Ordered, That Mr. Bell have leave to bring in a Bill to repeal the Act defining the boundary line between the Townships of Montague and North Elmsley.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

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On motion of Mr. Chabot, seconded by Mr. Cartier,

Prescott  
Election.

Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Prescott, have leave to adjourn until Tuesday, the twenty-seventh instant, at ten o'clock A.M. (no Return having been received from the Commissioners appointed to take evidence in the matter of this Election).



Agricultural  
Abuses Act.

Bill for the  
remedy of abuses  
prejudicial to  
Agriculture.

Agriculture, which was received and read for the first time; and ordered to be read a second time, on Friday next.

Bridge Bill of  
A.M. Delisle  
and others.

Mr. Watts, from the Select Committee appointed to enquire into the expediency of continuing and amending the Act, intituled, "An Act to remedy abuses prejudicial to Agriculture in Lower Canada," with power to report by Bill or otherwise, presented to the House, a Bill to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to

Mr. Fortier, from the Standing Committee on Road and Bridge Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the provisions of the Bill to authorize Alexandre M. Delisle and others, to build a Toll Bridge over the River Jésus, and for other purposes therein mentioned, and have agreed to several amendments thereto, which they herewith submit for the consideration of Your Honorable House.

On motion of Mr. Dumas, seconded by Mr. Cartier,

Ordered, That the Bill to authorize Alexandre M. Delisle and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned, as reported from the Standing Committee on Road and Bridge Bills, be committed to a Committee of the whole House, for tomorrow.

Nineteenth  
Report of Com-  
mittee on  
Standing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Nineteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the President and Directors of the Desjardins Canal Company, and are of opinion that it is not of such a nature as to require notice.

Printing.

Ordered, That the Petition of Messieurs Lovell and Gibson, Contractors for the Sessional Printing of the Legislative Assembly, be referred to the Standing Committee on Printing.

L'Islet Regis-  
try Office Bill.

Ordered, That the Bill to provide for the removal of the Registry Office of the County of L'Islet from the place where it is now kept to the

Parish of L'Islet, be engrossed.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:--

Bathurst  
Boundary  
Line Bill.

Bill, intituled, "An Act to define the boundary between the Districts of Bathurst and Johnstown:"

Berthier  
Municipalities  
Bill.

Bill, intituled, "An Act to divide the County of Berthier into two Municipalities, and for other purposes relative to the said County:"

Quebec  
Friendly  
Society Bill.

Bill, intituled, "An Act to continue for a limited time the Act of the Legislature of Lower Canada incorporating the Quebec Friendly Society:"

Rimouski  
Municipality  
No. 1 Bill.

Bill, intituled, "An Act to remove the seat of the Municipality Number One, of the County of Rimouski, from St. Patrice de la Rivière du Loup to St. Jean Baptiste de L'Isle Verte:"

Magog Town-  
ship Bill.

Bill, intituled, "An Act to erect a new Township to be formed out of part of the Township of Hatley and part of the Township of Bolton, in the County of

Stanstead."

And then he withdrew.

House  
called over.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,

Ordered, That the Order of the day for the Call of the House, be now read.

And the Order of the day being read;

Ordered, That the House be now called over.

Ordered, That the Serjeant at Arms attending this House do go with the Mace, to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down.

Ordered, That the names of the Members who did not appear this day at the Call of the House (whose names were set aside) be reported by Mr. Speaker to the House, on Monday next.

MR. AT. GEN. LAFONTAINE<sup>1</sup> moved, that the Order of the Day for the second reading to increase the Representation of the people of Lower Canada in Parliament, be read.<sup>2</sup>

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On motion of the Honorable Mr. Attorney General LaFontaine, seconded by the Honorable Mr. Attorney General Baldwin,

Representa-  
tion Bill.

Ordered, That the Order of the day for the second reading of the Bill to enlarge the Representation of the People of this Province in Parlia-

ment, be now read.

And the Order of the day being read;

Mr. Chauveau moved, seconded by Mr. Laurin, and the Question being put, That it is to be regretted that the Inhabitants of the late Province of Lower Canada have not been constitutionally consulted with respect to the passing of the Act of the Imperial Parliament re-uniting the two late Provinces of Upper and Lower Canada, and that the said Act contains provisions contrary to justice, and to the rights of British Subjects;

M. CHAUVEAU. Si quelque chose plus qu'une autre pouvait donner une idée de l'importance de la question devant la Chambre, c'est le fait de l'appel nominal, de tous les membres de cette Chambre qui vient d'avoir lieu. Cette Chambre a voulu, avant d'entrer dans la discussion de cette mesure importante, en conscience, en honneur, en patriotisme, imposer à chacun de ses membres d'être présent aujourd'hui pour discuter les intérêts du pays. Ce devoir leur a été rappelé par un ordre exprès, solennel, de comparaître ici en face de la représentation, en face du pays, et de voter selon que le leur dirait leur conscience et leur jugement, sur la mesure qui nous est actuellement soumise. C'est aussi avec la plus grande méfiance de moi-même, et seulement en cédant à une conviction intime de leur mérite et de leur nécessité que je propose les résolutions que je tiens à la main.<sup>3</sup>

1. Résolu,--Qu'il est à regretter que les habitants de la ci-devant province du Bas-Canada n'aient pas été consulté constitutionnellement sur la passation de l'acte du parlement impérial qui a réuni les deux ci-devant provinces du Haut-Canada et du Bas-Canada en une seule, et que cet acte contient des clauses contraires à la justice et aux droits communs des sujets britanniques.

2. Résolu,--Que parmi ces clauses contraires à la justice et aux droits communs des sujets britanniques, est celle qui fixe un nombre égal de représentants pour chacune des sections de la province, qui formaient ci-devant les provinces du Haut-Canada et du Bas-Canada, sans égard à leur population respective.

3. Résolu,--Que pour parvenir à un apportissement plus équitable de la représentation du peuple de cette province en parlement, il est expédient qu'il soit fait un nouveau recensement de la population de cette province aux frais de la province, sous la sanction d'une loi, et sous la direction immédiate de l'exécutif.<sup>4</sup>

La première de ces résolutions proteste contre l'ordre de chose qui nous régit actuellement, en autant que cet ordre de choses contient non-seulement en lui-même des vices essentiels de sa nature, mais encore en ce qu'il est vicieux dans son origine, ayant été imposé à la partie la plus peuplée du pays, malgré sa résistance maintenant exprimée.

La seconde de ces résolutions proclame un principe admis par tous les peuples du monde, comme bon, comme juste en lui-même et qu'on a essayé de combattre jusqu'ici par des arguments fondés uniquement sur des suppositions et des chiffres hypothétiques. La troisième de ces résolutions demande une chose qui me paraît si non nécessaire, indispensable, du moins d'une grande utilité eu (sic) égard à la mesure en considération. C'est parce que je sais que ce n'est qu'en abusant de son pouvoir, et en foulant aux pieds le droit des gens et toute idée d'équité que l'Angleterre a imposé aux canadiens, sans les consulter, la forme de gouvernement qui les régit actuellement, et je propose à cette Chambre de dire que chacun des habitants de ce pays, vivant dans quelque partie de la province que ce soit, vivant à Gaspé ou à Toronto, à Québec ou à Montréal, qu'ils parlent anglais ou français, ont les mêmes droits politiques, et par conséquent le droit d'être représenté également.

Je propose à cette Chambre de dire: que pour parvenir à une proportion plus juste, plus équitable de la représentation, il est expédient que cette Chambre sache quelle est la population totale du pays, de chacune des parties



du pays. Cette colonie me paraît arriver aujourd'hui, me paraît toucher à une de ces époques importantes de son histoire politique où un peuple a besoin de réfléchir mûrement sur son passé, son présent et son avenir. Du passé et d'un passé très récent, on a beaucoup trop dit de mal; et je désire que les querelles du présent disparaissent à l'avenir. Je n'ai qu'à répéter ce que j'ai dit lors de la question des subsides l'an dernier: respect au passé et courage à l'avenir.

Il est rare qu'un peuple soit appelé, dans une paix profonde, après une discussion solennelle et dans la presse et dans les assemblées politiques, à nullifier lui-même la constitution qui le régit. Tous les pays du monde ont vu de pareilles questions accompagnées ou suivies d'événements que nous devons nous réjouir de voir éloignés de nous. Nous avons une population en Canada bien distincte, bien variée, étant divisée d'origine, de langage, de mœurs, d'habitudes et de croyances: une population étendue sur une immense espace de pays et vivant sous des climats différents.

L'histoire nous apprend que cette partie de ce peuple qui est originaire de la France a passé par des vicissitudes telles qu'aucune nation aussi peu protégée n'a jamais eu à supporter, et dont elle n'a jamais pu triompher. Guerre avec les premiers habitants du pays, guerre avec les colonies voisines; pertes, incendies, expatriation qui dépeuplaient le pays; tout cela n'a pas empêché cette population de se maintenir glorieusement. Changer de mère-patrie, être soumise pendant un temps au despotisme le plus absolu, pour ensuite être livré aux soins de pourvoir à ses propres besoins, de veiller à sa propre législation, en faisant fonctionner une constitution qui, à cause de ses vices, de ses défauts nombreux, n'a pas pu fonctionner même dans les pays plus avancés duquel nous venions, tout cela n'a pas empêché ce peuple de traverser cette époque. Il a résisté pendant tout ce temps dans une lutte qu'on essayera en vain de flétrir. Il a maintenu ses droits et cette longue lutte s'est terminée par une lutte à main armée, plutôt qu'une détermination réfléchie chez la grande majorité des habitants du pays. C'est à la suite de cela que, sans consulter cette partie du pays, mais en consultant uniquement les intérêts d'une colonie voisine, on nous a imposé une constitution nouvelle, et que disait cette constitution? Le fait seul de nous l'avoir imposée imprimait sur elle une tache qui ne s'en effacera jamais. Une constitution imposée imprimait sur elle une tache qui ne s'en effacera jamais. Une constitution imposée à un peuple sans moyen de se faire entendre, ce seul fait imprimait sur cette constitution une tache ineffaçable. Mais encore que disait cette constitution? Elle disait que la dette publique contractée follement par cette autre colonie à laquelle on nous adjoignait contre notre volonté bien connue serait payée et par nous conjointement. Elle disait que la province supérieure qu'alors ne comptait que deux cent mille âmes aurait une représentation égale à la notre; elle disait, le gouvernement impérial aurait le droit de prélever sur vous une liste civile perpétuelle pour conduire le gouvernement qu'on nous imposait, sans que le peuple y ait de contrôle; elle disait que la langue des trois quarts de la population du pays ne serait pas langue légale, et que rien ne pourrait être mis sur les registres de cette Chambre en langue française. Elle fixait le nombre du quorum de cette Chambre, nous refusant ainsi le droit de fixer ce nombre nous-mêmes et comme nous l'entendrions.

Elle disait tout cela, et comment le disait-elle? Elle le disait dans les circonstances les plus propres à intimider la population du Bas-Canada; elle

le disait sous le coup de la guerre civile, d'un pouvoir despotique; au milieu d'un pays pillé et volé, au milieu d'un pays où le désespoir politique devait nécessairement exister. Qu'a fait alors ce pays? Il a dit: non. Il a dit: cette constitution, je ne la reconnais pas; je ne l'accepte pas; je proteste contre l'injustice; je ne puis pas faire plus. Je ferai toujours tout en moi pour que cette constitution qu'on m'impose fasse le moins de mal possible, mais je ne l'accepte pas. Qu'a-t-il dit encore? Je demande que la représentation soit basée sur la population, que la clause de la représentation soit modifiée d'après le principe seul équitable de la population; je demande que cette langue que nous avons appris à vénérer, à parler et à aimer, il nous soit permis de la coucher sur les registres de cette Chambre, de la faire entendre dans toutes ses délibérations?

Quel a été le résultat de ces protestations de la part du peuple canadien? Après dix années de lutte quelques-uns de ces objets sont atteints. Malgré non pas la concession, mais la déclaration de la politique ministérielle qui a empêché le mal d'être aussi grand qu'il aurait pu l'être, la dette publique doublée; aucune amélioration dans le Bas-Canada, particulièrement dans toute la partie à l'est de Montréal; les biens des Jésuites donnés pour moitié, lorsque le Bas-Canada seul y avait droit, à l'autre partie du pays; puis les frais de l'administration de la justice dans le Haut-Canada, faible compensation qui existait pour nous défrayer de la dette qu'on nous faisait payer, dette contractée en partie pour des travaux d'aucun avantage pour nous, et en partie par les défalcations des officiers publics du Haut-Canada, et dans tous les cas pour des améliorations locales; cette taxe pour l'administration, notre seule compensation, chargée sur le fonds consolidé, voilà, il me semble, assez de maux faits au pays, sans compter de nouvelles difficultés surgies depuis, sans parler d'une législation indigeste, injuste, qui coûte des dépenses énormes, par la raison bien simple que cette différence de moeurs, de langage, et de besoins des deux partis (sic) de la province dont j'ai déjà parlé, fait qu'on passe son temps seulement sur des mesures locales ou à discuter sur des mesures qui ont rapporté uniquement à une partie de la province dont on ne connaît rien, dont on ne sait souvent ni la volonté, ni les besoins; voilà assez de maux pour nous justifier, je crois à dire que l'Union, quoique le Bas-Canada y ait obtenu quelque amélioration, ne doit pas encore être par nous acceptée.

Qu'on doive en agiter le rappel est une autre question; qu'on doive demander de l'agitation à ce sujet est toute autre chose. Mais si le mal continuait, si le système de gouvernement responsable ne faisait pas le bien qu'on nous en a fait espérer--je crois qu'il fonctionne bien et je dirai les phases sous lesquelles je crois qu'il a passé, si nous voyions que ce système de gouvernement ne suffit pas pour garantir les droits du peuple de cette province, pour nous assurer à tous également la puissance entière de ces droits; si nous trouvions que l'on manquait de parole, que nous ne pouvions pas obtenir justice d'aucun parti, ne serait-ce pas le devoir du Bas-Canada, de chaque ami de son pays, non seulement de protester contre l'acte d'Union, mais de demander son rappel? Ca serait le devoir de tout bon canadien, de tout patriote sincère; et je dis que nous ne devons négliger aucune circonstance de protester de nouveau contre l'Union, pour conserver ainsi le droit d'en demander le rappel quand nous le jugeons à propos. Je dis que s'il y a une circonstance opportune pour cela, c'est celle-ci, c'est celle où l'on veut altérer la représentation et toucher à l'acte d'Union. Si nous y portons la

main une première fois, il me semble qu'il y a beaucoup de chances que l'on puisse dire que nous l'acceptons volontiers.

J'ai parlé du gouvernement responsable. J'ai dit dans cette Chambre, il n'y a que quelques mois, ce que j'en pensais. Mes opinions n'ont pas changé depuis. Je crois que le gouvernement responsable pour le moment était le seul qui pouvait modifier et rendre supportable le régime de l'Union. Cette forme de gouvernement a déjà passé par différentes phases. Accordé par lord Sydenham, il était alors ce qu'on prétend qu'il est aujourd'hui, une illusion, une moquerie, un piège. Cependant c'est en vain quand on a posé un principe juste, qu'on veut le détruire. Il se fait jour malgré tous les efforts. C'est en vain que ceux qui l'ont proclamé cherchent à en gêner les conséquences; il faut nécessairement qu'il se fasse jour, et quoique accompagné de la corruption, quoique ça ne fut pas la responsabilité du gouvernement au peuple, mais des fonctionnaires publics qu'on considérerait comme utile, attaché au sort de l'administration forcée de prendre ainsi non seulement une position neutre comme aujourd'hui, mais obligée de corrompre après avoir été corrompue. Cette époque n'a pas pu durer; elle est tombée comme tout ce qui est corrompu. A cette époque a succédé une époque où l'on a cherché, au moyen de distinctions subtiles de retrancher de ce principe qu'on voulait corrompre, ce qu'il pouvait avoir de mieux. Cette époque peut s'appeler l'époque Metcalfe. C'est alors que le pays a été inondé, ennuyé des discussions sur les soins à donner au gouvernement responsable, sur l'étendue à donner à la responsabilité ministérielle, sur l'explication du fameux mot anglais adequate et qu'on s'est vu au moment de perdre courage, à cause de l'état nébuleux, si je puis ainsi m'exprimer, de la question.

Le bon sens du peuple a triomphé des distinctions subtiles et la vérité s'est fait jour. Cette époque a eu son temps et nous sommes aujourd'hui rentrés dans une troisième phase du gouvernement responsable. Que cette troisième phase puisse se perfectionner au contact de l'opinion publique, par l'effet que l'opinion publique doit avoir sur les chefs du gouvernement, c'est ce que je crois fermement. Que quelques mesures récentes soient de nature à jeter des doutes encore aujourd'hui sur ce gouvernement, comme la nomination des juges à des places irresponsables; cela me paraît contraire à la responsabilité, car l'homme qui peut en se retirant promettre à un autre de le retirer n'est pas dans le gouvernement responsable--c'est une des causes qui ont pu nous ôter notre confiance dans ce gouvernement, mais je ne crois pas que pour cela l'opinion publique ne prévaudra pas, que les ministres ne feront pas cesser ce que l'on considère comme une nécessité.

Mais il y avait, il y a encore un fait qui rend illusoire cette doctrine du gouvernement responsable, c'est le fait d'une représentation disproportionnée qui a permis à un ministère faible de se maintenir au pouvoir pendant plusieurs années, malgré une impopularité évidente, malgré l'opinion publique exprimée dans cette Chambre et dans la presse, même celle qui l'avait toujours suivie, lorsque ce gouvernement était gouverné par chacun des membres de son parti individuellement, car on en était toujours à dire, si l'on ne fait pas ceci ou cela, je vous abandonnerai à votre sort et avec cette mesure on obtenait tout ce qu'on voulait. C'est alors que les représentants de cette partie du pays ont compris qu'ils devaient renouveler leurs efforts. C'est alors que dans cette Chambre, et je suis un de ceux qui, avec l'hon. membre pour Québec, l'ont fait les premiers; c'est alors que l'on a demandée (sic)



que la représentation fut augmentée et basée sur la population du pays. Cette question a dû soulever et a soulevée (sic) en effet une autre question; c'est celle-ci, comment augmenter cette représentation? La justice: on a parlé de justice absolue; je conçois ce que c'est, mais je ne conçois pas celle qui n'est pas absolue et qui me semble ressembler beaucoup à de l'injustice. La justice absolue veut qu'ici comme partout, chaque citoyen ait dans la chose publique sa part égale, sa valeur numérique à part de toute considération de localité, de fortune ou de naissance. La justice absolue le veut; mais on dit; la justice, (je ne sais pas comment l'appeler: c'est l'injustice plutôt que la justice) la justice absolue demande qu'on ne change pas les bases de la représentation. On se fonde dans cet avancée sur une supposition. C'est celle-ci: lors de la passation de l'acte d'Union, le Bas-Canada avait une population supérieure de plus de deux cent mille âmes à celle du Haut-Canada. Le Bas-Canada jusqu'en 49, toujours en protestant, toujours en demandant la réforme de la représentation, a souffert qu'elle ne fut pas basée sur la population. Le Haut-Canada dit-on, augmente en population dans une proportion plus grande que celle du Bas-Canada. L'on suppose la population du Haut-Canada, de sept cent cinquante mille âmes et que dans un nombre peu considérable d'années, c'est encore de la supposition, cette population sera plus forte que celle du Bas-Canada. Je dis que c'est la seule chose qu'on puisse opposer à la justice absolue du principe que j'invoque. Je dis que tout cela est fondé que sur de frivoles suppositions. Et je le demande, des législateurs doivent-ils agir sur des suppositions, surtout quand ils peuvent avoir les moyens de connaître la vérité?

Je dis que cet argument est non seulement fondé sur des suppositions, mais qu'il renferme tout un système d'injustice envers le Bas-Canada. Cet argument comporte avec lui que l'Union doit toujours être basée sur un principe faux. Le ministère actuel ne doit pas vouloir cependant que, dans cette Union qu'on dit nous avoir sauvés, la représentation ne soit jamais basée sur la population. Ceux qui veulent un jour demander le rappel de l'Union peuvent faire cette supposition. Ce n'est qu'une Union fédérale de deux provinces qui devront se séparer, mais ceux qui disent que l'Union nous a sauvés n'ont pas droit de faire cette argumentation. Et je vais plus loin, je dis que cet argument, outre qu'il est fondé sur une supposition à laquelle je demande que l'on substitue des faits certains, je dis que cet argument est mauvais en lui-même. Je ne suis prêt à en reconnaître ni la possibilité ni la justesse.

On nous dit: vous avez souffert une injustice, vous l'avez soufferte dix ans, souffrez-là cinquante. C'est une compensation de l'injustice par l'injustice; c'est l'injustice exercée par une portion d'habitants d'un pays sur une génération future d'habitants dans un autre pays. On dit: nous avons supporté cette injustice, nos enfants la souffriront aussi. Mais je voudrais qu'on fasse voir dans l'histoire du monde un seul cas où une génération d'hommes aient jamais consenti à souffrir en conséquence des fautes d'une génération précédente? Ce système ne me paraît pas juste; il ne me paraît pas possible.

L'hon. procureur-général nous a dit que jamais il consentirait à ce que le Haut-Canada eût par la suite une représentation supérieure à celle du Bas-Canada! Il peut le jurer pour lui-même, mais il ne le fera pas pour ses collègues; si ceux-ci le juraient, ils seraient bientôt détrompés par le peuple du Haut-Canada. Est-ce que lorsque vous voyez les constitutions que se sont données les peuples eux-mêmes tombent (sic) tous les jours sous

l'effet de la volonté publique, est-ce que lorsque vous voyez les peuples briser ainsi leurs entraves et les faits accomplis tomber en poussière devant de nouveaux faits accomplis, est-ce alors que vous pouvez parler ainsi; parler d'imposer des obligations à ceux qui vous suivront dans la vie? Je ne le crois pas. Je ne puis pas le croire, et les partis dans le Haut-Canada, leur histoire politique, leurs divisions à l'heure qu'il est, me confirment que cette déclaration n'a pas été confirmée par le collègue de notre hon. procureur-général. Je ne crois pas que sa déclaration puisse lier les partis par la suite dans l'une ou l'autre province. Lorsque vous voyez les partis changer à chaque élection générale, est-ce avec une telle histoire politique que vous pouvez dire que vous êtes justifiables d'exiger même de la génération actuelle un sacrifice comme celui que vous voulez imposer jusqu'à vos descendants? Encore, je ne le crois pas. Mais, dit-on, la loi nous protège.

Pour moi je réponds, non; il n'y a pas de constitution, qui puisse ainsi forcer les populations à subir une injustice perpétuelle, si évidente. Une pareille constitution tomberait infailliblement en pièces, si la population du Haut-Canada, ayant une proportion plus grande que la notre, n'était pas représentée en conséquence, je dis que, parceque cette population porte en son sein, comme nous avons eu occasion de le voir, un esprit fort, un sentiment puissant de la conservation de ses droits, elle n'endurera jamais une injustice aussi palpable que celle qui veut que la représentation ne soit pas basée sur la population.

Notre constitution veut qu'il y ait au moins le consentement des deux tiers de la Chambre pour opérer un changement dans l'administration. C'est vrai; et cela est bon pour nous; cela nous lie; mais cela ne les liera pas eux pendant vingt quatre heures. Et cette constitution qui l'a faite? cette constitution contre laquelle je veux protester, qui l'a bâtie? Ceux qui l'ont faite ne pourraient-ils pas nous dire, c'est parceque vous descendiez des français, parceque vous aviez jugé à propos un beau matin de lever l'étendard de la révolte, que nous avons cru devoir vous attacher pieds et mains liés à une autre population, et pour cela nous ne pouvions pas vous donner une représentation plus forte que la nôtre. Notre intérêt demandait que tant que nous serions en minorité, l'on conservât ce principe; mais du moment que vous cessez d'être en majorité, ça change la face des choses. Ce principe de représentation était établi non pas pour que nous puissions plus tard en souffrir, mais seulement pour le temps qu'il pourrait continuer à nous être utile? Voilà il me semble, ce que le Bas-Canada devrait comprendre à l'heure qu'il est. Le principe qu'il veut consacrer, aujourd'hui que ça peut être dans ses intérêts, il sera obligé d'y accéder quand il ne pourra que lui être préjudiciable. Tous les raisonnements qu'on fait entendre aujourd'hui pour nous refuser la concession de ce principe qui pourrait tant nous aider à améliorer notre condition politique sont fondés sur des hypothèses.

La face même du bill qu'on nous présente est une supposition. Je veux bien croire que le nom qui s'y trouve inscrit est une preuve de la bonne foi de ces calculs: je veux bien croire que ces suppositions ont été bien faites. Mais je dis; évidemment il y a erreur. Voilà des comtés qui au moment actuel ont à coup sûr une population beaucoup plus forte que celle qu'on leur donne. Je fais allusion entr'autres aux comtés de Rimouski et du Saguenay. Je crois que ces comtés ainsi que beaucoup d'autres ont une population bien plus considérable que celle qu'on leur prête. Mais on dira, c'est un

déplacement de population. Si ces comtés n'ont pas proportionnellement de (sic) augmenté ((de)) population autant que d'autres comtés, c'est que ce sont des habitants d'une partie du pays qui sont allés s'établir dans d'autres endroits, c'est très bien. Mais c'est un fait à connaître. Vous avez désiré être certains de bien représenter ces parties du pays, vous devez tâcher de connaître la vérité sur des choses aussi importantes, quand on y voit des erreurs aussi grandes que doivent être celles que j'ai fait remarquer dans l'estimation de la population de ces deux comtés. Vous avez calculé sur un accroissement antérieur de la population que vous dites vous mêmes avoir été ralentie par différentes circonstances. Vous aviez par exemple le choléra et l'insurrection qui ont dispersé et fait disparaître une grande partie de la population pendant les années qu'ils ont eu lieu. Qui vous a dit que la proportion entre les deux populations du pays ne reprendra pas son cours naturel avant cette époque sur laquelle vous comptez pour faire vos calculs, vos suppositions.

Je le répète, ces suppositions, ces calculs hypothétiques peuvent être bons, mais il nous faut des faits. Je demande donc qu'un recensement soit fait aux frais de la province. Je crois qu'on arrivera ainsi à un chiffre bien plus considérable de la population du Bas-Canada. Je crois que les recensements déjà faits ont été mal faits, très mal faits. Il est difficile dans le Bas-Canada de faire un recensement correct. On craint les taxes; on s'imagine presque toujours que les recensements sont faits dans le but d'en prélever. C'est la raison pour laquelle le chiffre de la population dans tous nos recensements a été trop petit pour le Bas-Canada, tandis qu'il était trop grand pour le Haut-Canada. Tous les recensements pour le Bas-Canada ont été au-dessous du chiffre réel de la population, c'est un fait indubitable. Il nous faut donc (sic) aujourd'hui un recensement fait avec plus de soins, que par le passé. On paraît pourtant en vouloir laisser le soin aux municipalités qui, de l'aveu même du procureur-général qui présente ce bill, ne fonctionnent pas. Nous n'aurons donc pas de bons recensements. Pourtant cette question est importante sous tous les rapports. Pour faire ce recensement, on pourrait profiter des nouvelles tables statistiques qui ont été faites dans des pays plus avancés que celui-ci. Les tables que nous avons sont mauvaises, nous n'y voyons pas par exemple le nombre de pères de familles. Je dois maintenant ajouter en terminant (sic) que les résolutions que je présente ne devront pas être regardées par ceux qui soutiennent ce bill comme nuisible à leur cause. J'approuve le bill et je ne veux par ces résolutions que protester contre l'Union. Il me semble qu'on ne peut pas trouver mauvais que je prenne cette précaution vis-à-vis du Haut-Canada. Il me semble qu'il n'est pas mauvais qu'on donne de nouveau au Haut-Canada l'occasion de repousser le principe de la représentation basée sur la population. Quand il aura refusé de reconnaître ce principe, nous serons plus fort contre eux. Je n'en dirai pas d'avantage, me réservant mon droit de réplique avant que la chambre en vienne à un vote sur cette question.<sup>5</sup>

M. LAURIN. J'ai déjà eu occasion de donner mon opinion sur la réforme électorale. J'ai été appelé à voter sur cette question et je me suis prononcé pour la réforme électorale basée sur la population. Nous avons eu des assemblées dans différents comtés et tous ont demandé la réforme électorale basée sur la population. Des requêtes ont été présentées à cette Chambre à cet effet. J'ai toujours été opposé à l'Union du Haut et du Bas-Canada. Cette Union nous a été imposée dans un temps de<sup>6</sup> despotism and<sup>7</sup> tyrannie, dans un



temps où le peuple du Bas-Canada n'était pas représenté,<sup>8</sup> and ... had no means of representing their hatred to the measure<sup>9</sup> lors de l'existence du conseil spécial, composé d'hommes vendus au pouvoir, vils flatteurs et courtisans serviles d'un pouvoir corrompu, soumis en tout au despote Sydenham. L'Union est un mariage forcé<sup>10</sup> founded in injustice, and could never work well, because<sup>11</sup> les parties n'ont jamais sympathisé et ne sympathiseront jamais. Nous voyons presque à chaque session du parlement se renouveler dans cette Chambre des scènes dégradantes, et des conflits acharnés avoir lieu souvent entre les membres d'un même parti politique, lorsqu'il s'agit de questions intéressant une partie de la province plus que l'autre<sup>12</sup> about financial questions, which, it was thought, might prove advantageous to one section, at the expense of the other.<sup>13</sup> C'est une preuve certaine que l'Union ne pourra jamais bien opérer. C'est donc le rappel de l'Union qu'il nous faut. Mon but donc aujourd'hui en votant pour les résolutions de mon hon. ami pour le comté de Québec, est de forcer, je dois l'avouer franchement, le Haut-Canada à demander le rappel de l'Union. Autrement nous ne l'obtiendrions jamais<sup>14</sup>. Although the great majority of the people of Lower Canada demanded a repeal of the Union, Great Britain would not grant it to them<sup>15</sup>. Tandis que si nous avons une représentation basée sur la population, le Bas-Canada devant avoir un nombre de représentants plus grands que le Haut-Canada, le Haut-Canada sera forcé de demander le rappel de l'Union; c'est le seul moyen de nous débarrasser du Haut-Canada, (rires) de cette sangsue qui suce notre sang, de ce gouffre où vont s'engloutir tous les revenus du Bas-Canada. Pour ces raisons, je voterai pour les résolutions devant la Chambre.<sup>16</sup>

M. AT. GEN. LAFONTAINE répondit à peu près comme suit, en autant que nos notes et notre mémoire sont justes.

"Après avoir lu les résolutions de l'honorable membre pour Québec, je savais quelle était la nature du discours qu'il allait prononcer. Je ne sais s'il remerciera l'hon. membre pour le comté de Lotbinière des remarques qu'il vient de faire, et je dois le dire, que je trouve plus franches et plus logiques que celles de l'hon. membre pour Québec. Il dit clairement que le rappel de l'union est son seul but en secondant les résolutions, tandis que le seul but avoué de l'hon. membre pour Québec, est de protester contre l'union, sans vouloir en agiter le rappel. Je dis donc que l'hon. membre pour Lotbinière est allé tout droit à la seule conclusion logique des résolutions qu'il seconde, en disant qu'il veut travailler par là au rappel de l'union. Mais il est avoué, et cela par des personnes dont le patriotisme ne fait pas de doute, aussi sincèrement attachés aux intérêts du pays que les deux hons. membres qui viennent de parler, il est avoué que, quand même nous le demanderions, nous ne l'obtiendrions pas<sup>17</sup> without the aid of the people of Upper Canada. That was admitted on all hands by those who desired the good of Lower Canada, as much as either the mover or the seconder of these resolutions.<sup>18</sup> L'Union nous a été imposée avec toutes ses injustices; nous avons protesté contre; nous avons déterminé de faire marcher l'union, voilà mes expressions, et de ne pas nous soumettre passivement à tous ses mauvais effets sans tâcher d'en tirer ce qu'il pouvait y avoir de bon. Nous savions que nous ne réussirions pas à en obtenir le rappel en le demandant, et on ne doit pas demander pour le plaisir d'être refusé. Sachant cela,<sup>19</sup> in 1842, he had said that,<sup>20</sup> le seul moyen qu'il restait pour arriver à ce but, au rappel de l'union, c'était de la faire fonctionner pour notre avantage, au lieu de lui laisser accomplir son objet qui était de nous anéantir; ce qui

aurait eu lieu infailliblement, si nous nous étions contentés de protester sans chercher à reconquérir notre influence dans les affaires.<sup>21</sup> That seemed a paradox; but the explanation was this. Either the Union would work well, and then all would be well, or it would work badly, and then it would be found necessary to repeal, and the proposal to do so would be made boldly and fearlessly.<sup>22</sup> Mais ce n'est pas ainsi que l'on pose la question. (Il lit ici la première résolution<sup>23</sup>. ((It)) was historically correct, and he concurred in<sup>24</sup> certaines parties, pour d'autres il avait tant attendu avant de former son opinion l'explication du moteur. Quant à la disposition de l'acte d'union qui fixe un nombre égal dans la représentation de l'une et de l'autre province, je ne puis la déclarer injuste.<sup>25</sup> There were two other parts of the Union Act, which he did look upon as unjust--these were, that disposition of the bill which related to the French language, and that which concerned the disposition of the public monies.<sup>26</sup> Plusieurs autres clauses de cet acte, et les plus injustes ont maintenant disparu. L'hon. membre pour Québec nous dit que l'Angleterre, mue par des motifs d'intérêt, a commis une injustice envers le Bas-Canada. Et comment aujourd'hui vient-il nous ôter le seul moyen de sauver le Bas-Canada des injustices bien plus grandes encore dont il est menacé? Dans quel but veut-il faire disparaître la seule clause qui nous protège? C'est inexplicable. Ma mesure, sur la représentation, n'est pas une acceptation de l'acte d'union, comme l'hon. membre pour Québec a bien voulu le dire.<sup>27</sup>

M. CHAUVEAU. J'ai dit qu'elle serait une acceptation de l'acte d'union, si elle n'était pas accompagnée d'un protêt.<sup>28</sup>

M. AT. GEN. LAFONTAINE. Je prétends qu'elle n'est pas une acceptation de l'acte d'Union, sans même être accompagnée d'un protêt. Je le demande à tous les hons. membres, en supposant que dans l'acte d'Union la représentation des deux provinces eut été fixée à 150 membres, 75 pour le Haut-Canada, et 75 pour le Bas, est-ce qu'en faisant marcher l'Union, en procédant avec une telle clause, c'eût été plus accepter l'Union qu'en la faisant marcher avec 84 membres, 42 pour le Haut et 42 pour le Bas? S'il n'en eût pas été ainsi alors, pourquoi en serait-il ainsi aujourd'hui? Je ne puis me l'expliquer. J'ai l'esprit ouvert à la conviction, et si l'hon. membre peut me prouver le contraire, je l'avouerai. D'ailleurs toute tentative d'obtenir justice serait impuissante avec les dispositions qu'il prête au gouvernement anglais<sup>29</sup>. It was said that the English Government had carried the Union Act from a desire to swamp the French Canadians.<sup>30</sup> Avec l'idée qu'il s'est formée de l'esprit qui anime les membres du Haut-Canada, peut-il espérer de réussir dans ses projets? Il doit avouer que non; il ne doit pas avoir d'espérance. Or on doit demander ce qu'on croit pouvoir obtenir; la prière n'a pas d'autre fin que celle-là.

L'on. membre pour Québec a aussi fait allusion à un autre document qu'il dit avoir été approuvé par des assemblées publiques dans tout le pays, tandis qu'il n'y a pas eu une seule assemblée dans tout le district de Montréal à ce sujet. Ce document, c'est le manifeste de la réforme et du progrès de Québec. Mais y a-t-il dans ce document une seule phrase qui invoque le principe de la représentation basée sur la population? Interpellé là-dessus de citer le passage, l'hon. membre ne répondit pas, il garda le silence. L'hon. membre, de concert avec M. Aylwin, était convenu d'agiter la réforme électorale dans le district de Québec, mais était-il alors question du principe invoqué par l'hon. membre pour Québec, aujourd'hui? Point du tout. On

connaît l'opinion de M. Aylwin sur ce point et il n'y a pas de doute que ce manifeste ne la représente. S'il en était autrement, comment se ferait-il que la partie qui traite de la représentation fût exactement presque mot pour mot, le préambule d'un bill présenté par M. Aylwin dans l'avant dernière session? Personne n'osera dire que M. Aylwin avait basé son bill sur le principe de la population ni que ce monsieur a changé d'opinion depuis; cependant, depuis ce temps, M. Aylwin a été élu deux fois par la voix unanime des citoyens de Québec. L'hon. membre pour Lotbinière a parlé d'assemblées publiques tenues dans les comtés pour demander que la représentation soit basée sur la population;<sup>31</sup> There had been; but too many of these demands was added the condition,<sup>32</sup> "si cela peut être avantageux au Bas-Canada."<sup>33</sup>

M. CHAUVEAU. Celles que les membres dirigeaient ont ajouté cela, comme Verchères, par exemple.<sup>34</sup>

M. AT. GEN. LAFONTAINE. Les autres assemblées n'ont rien demandé de plus. Y en a-t-il une seule qui ait entretenu des vues aussi abstraites<sup>35</sup> philosophic,<sup>36</sup> et aussi impraticables que celles de l'hon. membre pour Québec. On a dit que l'Angleterre a été injuste, que l'acte d'Union est une iniquité préméditée de sa part. Dans ce cas, si cela était vrai, ne serait-ce pas un suicide de la part des hons. membres de demander le rappel de la seule clause qui nous protège, celle de l'égalité dans la représentation? L'hon. membre pour Lotbinière, plus logique que l'hon. membre pour Québec, déclare que son intention est de<sup>37</sup> enslave Upper Canada in order to disgust her, and so<sup>38</sup> forcer le Haut-Canada à demander le rappel de l'Union; mais ce n'est pas par le moyen qu'il adopte qu'il arrivera au beau jour qu'il désire où le Haut-Canada agitera le rappel. On a parlé encore de l'excellence des institutions de nos voisins. Convenons qu'elles sont bonnes, mais si elles sont parfaites, plus parfaites que les nôtres, comment se fait-il que la représentation dans la législature ne soit pas uniquement basée sur la population? On les cite ici pour appuyer un principe qui n'est pas en usage chez eux. La première branche est bien composée d'après ce principe, mais la seconde, (le sénat) à laquelle les mesures sont soumises en dernière instance, n'est pas composée sur le chiffre des populations. Chaque état n'envoie que deux sénateurs, de sorte que le plus petit état peut nullifier l'état de New York qui a néanmoins 36 représentants dans la chambre basse. (Ici, si nous avons bien compris, l'hon. procureur-général fait une comparaison du sénat américain avec le conseil législatif, et fait voir que le sénat, branche de la législature américaine qui n'est pas élue d'après la population (sic), peut législater à l'encontre de la branche populaire, la chambre des représentants; il peut défaire la législation de cette dernière branche, tandis que le conseil législatif peut toujours donner prépondérance dans la législature, le gouverneur pouvant nommer de nouveaux conseillers pour appuyer la législation de la branche populaire.)

L'honorable membre prête au Haut-Canada les dispositions les plus odieuses, il lui prête la volonté et la force nécessaires pour nous asservir plus tard, quand sa population sera considérablement augmentée. Moi, je maintiens qu'avec l'égalité dans la représentation, nous serons toujours sur un pied égal et le Haut-Canada, n'aura pas le pouvoir, au



moins constitutionnellement, de se faire une position de supériorité vis-à-vis du Bas-Canada. On lui prête aussi les sympathies du gouvernement anglais pour protéger ses desseins ambitieux. Le gouvernement anglais, j'ai la conviction, ne se prêtera pas ainsi à toutes les volontés, il tiendra longtemps à l'acte d'union, il connaît l'injustice faite au Bas-Canada et il est plus disposé à la réparer qu'à lui en faire de nouveau. Les motifs qu'on attribue au gouvernement anglais, pour la disposition de l'acte d'union qui règle la représentation, ne sont pas ceux qu'il avait réellement; le principe sur lequel il l'a basé (sic) est un principe de protection indispensable, j'y tiens et j'y tiendrai. D'ailleurs, je ne demanderai pas ce que je suis forcé de déclarer ne pouvoir obtenir. Ceux qui ont la conviction robuste de l'hon. membre pour Lotbinière, et je ne sais si l'honorable membre pour Québec partage cette robuste conviction de l'immense supériorité de la population du Bas-Canada sur celle du Haut, ceux qui partagent cette conviction doivent soutenir les résolutions qui sont maintenant devant la chambre. Mais ceux qui n'y croient pas, doivent maintenant le bill de la représentation tel qu'il est. Ces derniers ont malheureusement les chiffres pour eux, il n'est que trop vrai que nous serons bientôt dans l'infériorité, quant au nombre. Il est à remarquer que l'honorable membre pour Québec n'a pas accompagné sa proposition de statistiques, ce qui devait être, sans doute, le plus important. Mais il a évité de le faire, il s'est contenté de dire que nous avons une grande supériorité sans le prouver; il a même dit plus, il a dit qu'il était impossible d'y comprendre quelque chose, vû l'état des recensements. Mais il y a moyen de trouver quelque chose d'assez exact par le recensement fait, il y a 4 ans, et par les<sup>39</sup> marriages, births and deaths which, had since taken place. He had no doubt that the hon. member for Quebec was of opinion that the calculation was unfortunately but too true. So far he had spoken of the proportionate representation of the two sections of the Province.<sup>40</sup>

J'en viens maintenant aux détails du bill. La pensée qui a présidé à sa rédaction, était de faire en sorte que le peuple fut mieux représenté dans la législature, que ses volontés et ses besoins fussent mieux connus et aussi que chaque localité fut autant que possible également représentée.<sup>41</sup> As to Lower Canada, he might remark that the idea which had been adopted as the basis of the Bill was the establishment of the Counties formerly in existence but destroyed by Lord Sydenham, to which some new counties had been added by divisions.<sup>42</sup> Mais avec un peu de réflexion, on se convaincra que, dans un pays comme le nôtre, la population ne peut pas être strictement la base de la représentation. Malgré tous les efforts possibles, il restera toujours des fractions, c'est pourquoi, en 1829,<sup>43</sup> The Act of 1829 adopted in part the basis of population and in part geographical divisions. In 1829 a number of counties were established on the principle that counties from 1,000 to 4,000 inhabitants should have one member. The present bill adopted nearly the same principle, with the difference of taking fifteen thousand instead of four as the standard. A few days before, his attention was called to an article which had appeared in the Herald.<sup>44</sup> Je n'ai pas été surpris de voir la manière dont ce sujet a été traité dans ... ((ce)) journal influent de cette ville.<sup>45</sup> That journal approved of the principle of increased representation, but objected that the French

constituencies would have an undue share of members. It was stated in that journal that the bill would give only thirteen members to English constituencies; but it was very extraordinary that so able a journalist should have overlooked the fact that the constituency of Montreal was not French but English. There were twenty-two thousand<sup>46</sup> French Canadians in Montreal and twenty-five thousand of other origin.<sup>47</sup> Est-ce donc là ce que l'on doit appeler un collège électoral français? Mais voici le mot de l'énigme: c'est que Montréal est représentée par l'hon. membre qui siège ici (M. Holmes) et moi<sup>48</sup> and this, perhaps, accounted for the error.<sup>49</sup> Et cela est si vrai que je n'ai pas de doute que dans le cas où le comté de Stanstead élirait aujourd'hui un membre libéral, on crierait que c'est là un comté canadien-français. Mais, je le demande, comment se fait-il donc que la cité de Montréal, qui a une population de 22,000 Canadiens-français et de 27,000 Canadiens d'autres origines, n'envoie pas au parlement des membres conservateurs à la façon des hons. messieurs qui siègent de l'autre côté de cette chambre? Mais on va sans doute me répondre, comme on l'a déjà fait, qu'il se trouve à Montréal 12,000 Irlandais<sup>50</sup> the Irish population of Montreal was greater than all the rest of the population of English origin<sup>51</sup> et que ce sont eux qui empêchent le retour des conservateurs.<sup>52</sup> It was said that these people were only Irish. Poor Irish!<sup>53</sup> Est-ce donc que les Irlandais ne doivent compter pour rien; et parce qu'ils se joignent aux Canadiens-français, et ont les mêmes principes politiques qu'eux, va-t-on par hasard dire qu'ils sont aussi des Canadiens-français? Pauvres Irlandais! on voudrait qu'ils fussent étrangers, non seulement sur leur terre natale, mais encore dans leur pays d'adoption!<sup>54</sup> The hon. member then read from the evidence of Samuel Brooks, Esq., before a Committee of the House in 1829, stating that the new bill of that year would give seven members to the Eastern Townships, which was better than the old law,--and that the inhabitants of the townships, with few exceptions, would not wish a greater proportion.<sup>55</sup> Après quoi, M. LaFontaine a repris comme suit:<sup>56</sup> The journalist to whom he had alluded, had also forgotten to mention the County of Bonaventure as one of those which returned English representatives, though he ought certainly to have included that county as well as Gaspé.<sup>57</sup> Ici, je remarquerai que, depuis l'acte de 1829, tout comté, où la population était mêlée et où cependant les Canadiens-français étaient en majorité, a toujours laissé élire un représentant de langue anglaise. Eh bien! je le demande, M. l'orateur; combien de comtés anglais ont élu des Canadiens-français? Un seul; ça été le comté de l'Ottawa, et encore est-ce depuis l'union. Ainsi, à moins que ce ne soit dans l'intention d'exciter les passions, on a grandement tort, selon moi, de prétendre que nous voulions noyer la population anglaise.

Je n'appuie, M. l'orateur, sur l'article du journal en question, que parce que ce journal représente, dit-on, les vues des conservateurs modérés, et que j'ai du respect pour ce journal-là. Mais est-ce agir honnêtement que de dire que nous défranchisons Montréal, parce qu'il s'y trouve 12,000 irlandais qui ont les mêmes vues politiques que les Canadiens-français et soutiennent les mêmes membres qu'eux? Est-ce agir honnêtement que d'appeler ce collège électoral un collège Canadien-français? Je n'invoque tous ces faits que pour montrer qu'en prenant le total de la population anglaise dans le Bas-Canada, elle se trouver (sic)

avoir largement sa part dans le nouveau bill que je propose.

Le Herald a fait une suggestion, c'est de diviser en deux le comté de l'Acadie; je n'y aurais pas d'objection.<sup>58</sup> L'Acadie was one of those counties which had a mixed population, and which, when it had two members, never elected both of the same origin. He did not mean to say that very high Conservatives would be chosen; but he believed, even without the division, there would always be an English member returned.<sup>59</sup> Ces deux nouveaux comtés éliraient chacun pour représentant un membre libéral. Par rapport au comté de Beauharnois, le Herald propose d'y faire un certain démembrement, je n'y aurais pas non plus d'objection. Alors continue le journal, il ne faut laisser à Beauharnois ainsi diminué qu'un seul représentant. Quant à cela, merci. Car le comté de Beauharnois, même après que vous l'aurez démembré, contiendra encore une population de 18,000 âmes. Pourquoi aurait-il moins de représentants qu'un autre comté aussi peuplé? Sans doute, parce que dans le démembrement proposé, il se trouverait quelques habitants d'origine anglaise? Mais c'est ce à quoi je ne consentirai jamais; et, qu'on le remarque, le nouveau comté, dont parle le Herald, n'élira pas un conservateur, mais bien un libéral, et peut-être plus libéral encore que mon honorable ami près de moi. (M. DeWitt.)

Mais ce ne sont pas là tous les démembrements. On suggère aussi de démembrer le comté de Rouville et de joindre ce démembrement au comté de Missisquoi. Tout ce que j'ai à dire à ce sujet, c'est que cette proposition ne vient ni de moi ni de mes amis, et qu'en l'adoptant mon honorable ami, l'ex-procureur-général (Badgley) pourrait renoncer à se faire élire dans le comté de Missisquoi, qui, selon les honorables messieurs de l'autre côté de la chambre, est toujours à la disposition du procureur-général du Bas-Canada! Quant à Rouville, après ce démembrement, il aurait encore une population de 18,000. Pourquoi donc lui refuserait-on ses deux représentants?<sup>60</sup> For his own part, he had no doubt some of the proposed new counties would return Radical members, just as Montreal did when there were no electors from Rawdon in town.<sup>61</sup>

Tous ces changements suggérés seraient faits pour représenter plus directement la population anglaise qui se trouve dans les comtés Canadiens-français. Alors pourquoi ne suggérerait-on pas de faire de même pour la population canadienne-française qui se trouve dans les comtés anglais? Pourquoi ne refuserait-on pas les 4,000 canadiens-français du comté de l'Ottawa? Pourquoi ne pas représenter aussi les 3,170 canadiens-français de Shefford?

Je pense, M. l'orateur, que j'en ai dit assez pour prouver que la prétendue injustice, signalée par le Herald, n'existe ni dans ma pensée, ni dans celle de mes collègues. Pour former le nouveau bill, j'ai suivi autant que possible l'acte de 1829. S'est-on jamais plaint de l'acte de 1829? Non, jamais. Pourquoi donc viendrait-on aujourd'hui se plaindre du bill que je propose? Si l'on s'en plaint, je demanderai pourquoi l'on ne s'est pas plaint, lorsqu'à l'Union, lord Sydenham ne craignait pas de défranchiser la population anglaise du comté de Beauharnois<sup>62</sup>, Two Mountains, L'Acadie, and Laprairie.<sup>63</sup> Oh! c'est qu'alors on défranchissait les Canadiens-français en masse; et que l'on avait résolu de trouver bon tout ce que faisait lord Sydenham. Mais tout cela est réparé dans le nouveau bill proposé; et je défie qui que ce soit de montrer que ce



projet de loi soit injuste envers les Canadiens-anglais. Après cela, qu'on cesse de prétendre que les Canadiens-français veulent opprimer la population anglaise.<sup>64</sup>

MR. BROOKS was of the same opinion still as he was in 1829, when he gave his evidence that the Eastern Townships had a sufficient Representation given by the Bill of 1829. His objections to the general measure were not so much on account of the proposed number of members for the Townships, although he thought they would lose in comparison with the other parts of the country, as on account of the great expense the measure would put the country in, at a time when it could so little afford it as at present; and because the bill did not contain any provisions for any alterations when there was any great increase in the population.<sup>65</sup>

MR. AT. GEN. LAFONTAINE thought the measure would reduce the expense of the Legislature, for if the bill for indemnifying members was passed, they would only get 15s. a day, instead of \$8 a day as they did last year<sup>66</sup> so that the expense would be no greater than now.<sup>67</sup>

MR. BROOKS did not allude to the amount allowed to members, but to the great expense of the new public buildings which would be required if the Bill passed.<sup>68</sup>

M. LAURIN. Je dois relever une erreur dans laquelle est tombé l'hon. membre pour Montréal (M. LaFontaine.) Il a dit que lorsque j'avais été interpellé de citer la partie du manifeste de Québec qui demandait la représentation basée sur la population, je n'avais pas pu répondre, mais il eut du se rappeler que j'ai cité la partie même de ce manifeste qui dit qu'on doit demander une représentation plus en rapport avec les besoins du pays. Eh! bien, je demande à l'hon. membre ce que cela veut dire? Il est vrai que l'hon. membre pour Montmorency a torturé le sens de ce manifeste, mais tout le district de Québec a compris que nous demandions la représentation basée sur la population. L'on a interprété cette partie du manifeste de la manière que j'ai fait, lors de la réponse au discours du trône. L'hon. membre a voulu dire que ce n'était pas le sens qu'on devait donner à cette partie du manifeste; je n'en entretiens pas moins encore cette idée. Je crois que c'est la seule interprétation logique, raisonnable qu'on puisse lui donner. Je conçois néanmoins que ceux qui, contre leur passé, veulent faire fonctionner l'Union, doivent voter pour un égal nombre de représentants pour les deux provinces; mais pour moi qui suis opposé comme toujours à l'Union, je crois que c'est le seul moyen que nous avons d'en obtenir le rappel que de demander la représentation sur la population; cela devra forcer le Haut-Canada à demander la séparation des deux provinces.<sup>69</sup>

M. CAUCHON. Je ne me lève pas pour faire un discours. Peut-être que j'aurai occasion de parler un peu au long sur cette question, si c'est nécessaire, dans le cours de la veillée. Mais pour le moment, je ne veux faire qu'une seule observation. Lorsque l'hon. membre qui vient de s'asseoir, a dit qu'il ne pouvait pas voter pour une mesure comme celle qui est devant la Chambre, parceque le manifeste avait consacré un autre principe adopté par tout le pays, je demandai de citer ce passage du manifeste qui faisait cette déclaration. Alors l'hon. membre s'est levé

et a lu la partie de ce document sur laquelle il s'appuyait. Là-dessus je lui réponds que c'était mot pour mot le préambule du bill de M. Aylwin, et je défie qui que ce soit de prouver le contraire.<sup>70</sup>

M. PAPINEAU. Les résolutions qui nous sont soumises sont des vérités évidentes, sont d'écho des sentiments du pays, sont une protestation qui est voulue, qui est inévitable, lorsque pour la première fois, depuis l'acte d'Union, un ministère, sous le nom de libéral, propose au pays de renier toutes les protestations qu'il a fait jusqu'ici outre cet acte injuste, insultant pour le Bas-Canada, et nous invite à nous joindre à lui, à le suivre servilement dans l'approbation de l'Union, dans son principe, dans ses tendances, dans son but.

Le bill qui est introduit ici ce soir, consacre de toutes les dispositions de l'acte d'Union celle qui est la plus injuste, la plus odieuse, la plus contraire aux notions de saine politique, de saine liberté dont devrait se croire protégé tout sujet anglais.

A l'époque où l'Union a été introduite, il y avait deux cent mille âmes de différence entre les chiffres respectifs de la population des deux provinces, et de suite on a établi l'égalité de la représentation, par un acte de violence, impardonnable, sans précédents, entre deux populations si inégales entr'elles. On a livré sans scrupule la majorité, la très grande majorité des habitants de la province, à la minorité; et c'est la clause de l'acte d'Union qui contient cette injustice, ce diné de nos droits, que l'hon. procureur général (M. LaFontaine) vient défendre en cette Chambre, vient sanctionner de sa voix comme ne comportant pour nous aucun principe d'injustice, parceque l'injustice depuis cette époque a été un peu amoindrie. Mais le mal, quoi que plus petit, n'en est pas moins injuste; le principe n'en est pas moins là.

Dire que ce bill est un bill pour augmenter la représentation, c'est le présenter sous un titre faux et menteur. Ce bill est pour arracher aux canadiens un consentement tacite à l'acte d'Union, qui leur a été imposé sans qu'ils soient même consultés. Il n'a pas pour but de consacrer le principe de l'égalité de la représentation; c'est un principe trop salutaire, trop raisonnable pour que ceux qui le prétendent croient à ce qu'ils disent. L'hon. représentant d'Oxford nous montre aujourd'hui comment il l'entend, et il n'y a pas à douter qu'il l'entend comme l'entendent ses collègues. Lorsque l'on veut donner au pays un système représentatif sincère, vrai, il ne peut avoir d'autre base que celle de la population; ce principe est admis dans tous les états éclairés, dans tous les pays constitutionnels. Il n'y a pas d'autre système de représentation qui puisse avoir aucun élément de durée et d'attachement que celui qui sera proportionné à la population.

A l'époque où l'acte fatal de l'Union nous a été imposé, l'hon. procureur-général lui-même s'est joint aux protestations du pays. En quoi ses dispositions sont-elles donc autres aujourd'hui, pour que l'acte qui a paru intolérable alors, sous le régime militaire, sous le régime des bayonnettes, doive recevoir aujourd'hui une approbation aussi formelle que celle qu'on sollicite de notre part, quand il n'y a plus cette oppression qui nous obligeait à nous taire?

Quelle raison peut-on avoir aujourd'hui pour nous faire sanctionner cet acte, qui a été repoussé par tout le monde, qui a reçu une improbation formelle, universelle, dans la plus grande partie du pays, quoi-

qu'il n'ait pas été ailleurs repoussé avec la même force, parcequ'on s'était adressé à des hommes qui se sont fait du mutisme la faculté de passer d'une opinion à une autre suivant les circonstances? Pourquoi vouloir nous faire accepter aujourd'hui un acte qui a été déclaré par le clergé catholique du pays en masse, comme contraire à la justice, comme demandant que nos lois, nos institutions, notre religion fussent à la merci d'une autre population? Quelle excuse, enfin, peut-on donner pour présenter à notre approbation un acte qui nous enlevait le droit sacré que nous donnaient les traités, de ne changer nos institutions que lorsque cela nous plairait, nous serait imposé par la majorité de nos compatriotes?

L'hon. procureur-général dit: il n'y a qu'une conséquence logique à déduire de ces résolutions; c'est de proposer le rappel de l'Union.

Eh! bien M. l'orateur, n'est-il pas utile, nécessaire de dire que nous n'excusons pas l'Union, quand on nous invite à le faire.<sup>71</sup>

M. CHAUVEAU. Ecoutez, écoutez.<sup>72</sup>

M. PAPINEAU. En nous demandant à applaudir à une disposition aussi vicieuse que celle de l'action d'Union qui consacre comme principe de la représentation l'égalité entre deux provinces différentes de population? Oui, M. l'orateur, je suis prêt à voter aujourd'hui, si on le propose, à voter pour le rappel de l'Union. Chaque pas que nous faisons, chaque délibération dans lesquelles nous rentrons, la lenteur, les dépenses, la défectuosité de notre législation, tout prouve que l'Union ne saurait fonctionner avantageusement. Je n'ai pas encore vu un seul homme l'excuser dans sa durée excepté par deux sentiments bien contraires. L'on dit, l'Angleterre nous l'a imposé, il faut bien faire fonctionner la constitution. Y a-t-il un sentiment plus servile que de dire: nous n'examinerons pas si elle est bonne ou mauvaise, si elle nous a été imposée ou non, l'Angleterre nous l'a donnée, quelque injuste qu'elle soit, quoique ça soit contre mes protestations, quoique je m'applaudisse d'avoir dit que le gouvernement responsable était une dérision, un impossibilité dans une colonie, il faut néanmoins me servir de cet acte, y applaudir, le faire marcher vers son but? Y a-t-il rien de plus dégradant que de dire, quoique cet acte m'ait été imposé bon gré mal gré, contrairement à mes protestations, je l'accepte, parcequ'il vient d'Angleterre; je n'examinerai pas si je puis demander mieux, parcequ'il m'a été envoyé par des gens d'outre-mer.

Mais il y a un autre sentiment qui fait accepter l'Union aux membres du Haut-Canada; c'est de dire, elle nous a donné des avantages indus; elle nous a soumis les Bas-Canadiens; nous les avons dépouillés du droit de jouir de leurs revenus; nous avons fait fonctionner l'Union, de manière qu'elle nous a toujours été profitable, quoiqu'elle puisse leur avoir toujours été injuste, mais puisqu'on nous a livré le Bas-Canada en retour de notre servilité à servir l'Angleterre, nous profiterons de la supériorité qu'on nous a donnée et nous les exploiterions aussi longtemps qu'ils seront exploitables après quoi nous nous séparerons quand ils pourront nous venir à charge. On ne peut pas expliquer autrement que par l'un de ces deux sentiments l'attachement que l'on porte à l'acte d'Union; d'une part, complaisance pour ceux qui donnent les ordres; de l'autre part, désir de domination, de pillage sur une province courbée sous le joug.



Tous les jours le progrès de la législation est retardé. Pourquoi? parceque des discussions étrangères à la législation viennent sur chaque mesure occuper l'attention de quelqu'un des partis dans cette Chambre. Quand les membres du Haut-Canada se reprochent mutuellement les fraudes électorales qui ont souillé leur histoire; quand ils nous ennuiant des exemples de servilité et de bassesse dont il se sont salis, que nous importent ces discussions? Puis lorsqu'un instant après l'on voit les mêmes membres pour le Haut-Canada, nous demander des lectures sur le droit français (rires) et qu'à cause de doctrines, contradictions, ils restent dans l'incertitude de savoir à quoi ils doivent croire, est-ce que le fonctionnement de l'Union n'offre pas un spectacle parfaitement ridicule?

Dans le moment actuel il ne s'agit que d'une des dispositions de l'acte d'Union; c'est celle qui concerne la représentation. Mais tous les jours cet acte demande des replâtrages nouveaux. L'on se vante d'y avoir obtenu des modifications, mais chaque fois que vous en obtenez, vous faites des actes nouveaux de servilisme. Vous vous vantez d'avoir donné la liste civile. Mais l'avez-vous donnée comme des représentants libres, comme des colonistes qui comprennent leurs droits et savent les faire respecter? Vous les avez données ces listes civiles, comme des hommes qui aviez les fers aux pieds et aux mains, pour dire, nous donnerions à l'Angleterre tout ce qu'elle demande. En le faisant vous avez renoncé volontairement à un principe d'une justice indubitable; principe qu'avaient invoquées toutes les colonies de l'Amérique Nord, hors le Haut-Canada, qui seul a sacrifié ses droits au patronage sans borne de l'exécutif. Le Haut-Canada seul avait consenti une liste civile que vous avez eu la faiblesse de consentir à sa suite. Dans les colonies anglaises on s'était conservé le droit de donner que des octrois annuels au gouverneur. L'Angleterre n'avait jamais demandé à ces anciennes colonies l'absurdité d'accorder la liste civile pour la durée du règne du souverain régnant; on demandait aux colonies qu'elles massent (sic) seulement les salaires du gouvernement pour le temps qu'il serait à la tête du gouvernement. Ça avait du sens commun cela, mais voter la liste civile pour la durée du règne du souverain, c'était trop irrationnel pour le proposer ailleurs qu'au Haut-Canada.

Les changements qui ont été obtenus à l'acte d'Union sont des palliatifs sans résultats pour le pays et la discussion de ces petits intérêts renouvellera sans cesse, entre les deux sections de la province, les débats les plus amers, causera un mécontentement sans cesse renaissant. Coupez court au mal, en demandant le rappel de l'Union?

Les élections dernières, M. l'orateur, ont roulé sur la futile question de savoir qui conserverait ou perdrait les places. Les élections prochaines ne peuvent pas rouler sur un sujet aussi peu important. Elles rouleront sur la questions (sic) du rappel de l'Union. La question est même déjà soulevée. Les ministres ne peuvent pas se dissimuler que c'est la volonté publique. Ils n'auraient jamais osé dire, en se présentant sur la plate-forme électorale; nous voulons le fonctionnement de l'Union; nous la ferons fonctionner dans l'esprit qu'elle a été conçue. Les ministères savent que la question est déjà soulevée et que celle des places est moins que rien aujourd'hui. Il n'y a pas un comté

sur dix qui, aux prochaines élections, ne fasse promettre de vive voix ou même par écrit à ses mandataires d'être anti-unionistes. Vous engagez-vous sur l'honneur à remettre votre mandat, si vous ne vous sentez pas la force de demander le rappel de l'Union, telle sera la question qu'on leur fera, telle sera la position des membres de cette Chambre aux élections prochaines. D'ici là il faut qu'ils mentent à leur passé, pour trouver des journalistes qui nous vantent l'Union. L'hon. procureur-général peut bâtir sur l'avenir tel échafaudage qu'il voudra, la question en reviendra toujours là.

Dans toutes ses phases l'Union ne vous a donné et elle ne vous donnera jamais rien que des injustices. Néanmoins c'est avec le poids de ces injustices, contre lesquelles ils ne nous offriront, comme contre-poids, que de chimériques espérances, que les hons. membres viendront nous dire: tout ce qui vous est cher est bien mieux sauvegardé sous la protection du Haut-Canada que si vous étiez laissés à vous-mêmes. C'est renoncer à ses droits d'hommes libres, c'est renoncer à ses droits de représentants du peuple, c'est se mettre en tutelle, c'est reconnaître qu'on a besoin de curateurs, qu'on n'est pas capable de faire fonctionner une législature civile, que de dire: il y aurait quelque difficulté à demander que nous soyions nous-mêmes les gardiens de nos droits, pour ne pas avoir la peine de demander, de s'assembler et de pétitionner; il faut mieux demander que l'union fonctionne dans l'avenir, comme elle a fonctionné depuis dix ans.

Bill pour l'augmentation de la représentation; c'est un titre faux, un titre qui ne veut que voiler bien légèrement que son but est la perpétuité de l'Union. Ce bill aussi réveillera assez l'attention publique pour que la discussion se porte dorénavant sur le nouveau terrain que j'indique. Les hons. membres peuvent-ils dire que les districts des Trois-Rivières et de Québec n'ont pas unanimement protesté contre l'acte d'Union; et qu'à Montréal ce n'est que, parceque la question n'a pas été portée sur ce terrain, qu'elle n'a pas été agitée? Ils ne sauraient nier cela.

Néanmoins ils aident de toutes leurs forces, ils aident par des rapports qui sont fautifs, à faire tirer l'Union à sa fin. Ils connaissent les éléments d'erreur qu'il y a dans leurs calculs, mais enchaînée par les traités antérieurement faits, la majorité du Bas-Canada liée à la majorité du Haut-Canada, pour faire approuver leur mesure et l'Union en même temps, s'appuie de calculs erronés au moyen desquels ils veulent empêcher leurs compatriotes de demander justice aujourd'hui, afin de pouvoir refuser justice plus tard à l'autre partie de la province, qui ne se laissera pas jouer ainsi.

On parle du recensement de 1844 comme fondé. Y a-t-il un seul homme éclairé dans ce pays qui ne sache que ce recensement a été le plus trompeur, le plus faux de tous les recensements qui ont été pris (écoutez, écoutez,) Eh! en pouvait-il être autrement? C'est en 1844 que ce recensement est fait, sous l'effet des ordonnances du conseil spécial, lorsque la législature du pays avait été toute bouleversée par cette nouvelle législature étrangère à toutes notions d'équité, et de droit constitutionnel; c'était lorsque les municipalités venaient d'être établies par un homme aussi odieux, aussi méprisable que lord Sydenham et c'est à cette circonstance, qu'ils sont le don d'un ennemi acharné, c'est à

cette circonstance qu'on doit attribuer qu'elles n'ont pas fonctionné et qu'elles ne fonctionneront pas, jusqu'à ce que la Chambre ait de nouveau auprès du peuple ce juste degré de confiance qu'elle avait dans des temps passés. Si les lois de municipalité sont données au peuple par une administration indépendante et non enchaînée à suivre la suggestion de quelque proposition que ce soit, dès qu'elle vient du Haut-Canada, la confiance renaîtra et tout ce qui tendra à la décentralisation du pouvoir en faveur des municipalités sera bien vu, parceque le peuple aura confiance dans la source d'où lui viendront ces institutions. Mais aujourd'hui que vous êtes appelés machines à taxer le Bas-Canada au profit du Haut-Canada, ni les municipalités, ni les lois d'écoles qui sont si utiles, qui sont le salut d'un peuple, ne peuvent fonctionner, et c'est par suite de votre alliance contre nature avec le Haut-Canada. Vous n'avez pas le droit, sous le régime actuel, de voir une législation qui mérite la confiance du pays.

C'était lorsque le mal avait été ainsi établi par les ordonnances du conseil spécial, qui nous avait imposé une dette énorme créée par des dépenses faites, non pas dans le Bas-Canada, mais ailleurs; c'était dans ces circonstances là que le recensement de 1844 avait lieu; c'était dans des circonstances où les négociations entre les Etats-Unis et l'Angleterre laissaient croire à l'existence prochaine d'une guerre entre ces deux puissances, que le recensement sur lequel on base ces calculs, s'est fait et les canadiens qui de tout temps ont été justement inquiets des opérations du gouvernement avaient en ce moment un redoublement d'inquiétude. Ils ont vu dans le recensement demandé à cette époque, nul autre raison que de multiplier les taxes et ont dissimulé la valeur de leurs récoltes, de leurs produits de toutes sortes ainsi que le nombre des membres de leurs familles. Qu'on compare la valeur des produits et l'on verra une différence de trente par cent entre le montant des produits avoués en 1844 et le montant des produits avoués dans le recensement précédent. Sous l'impression d'événements encore tout récents, lorsqu'on se disait, il faut se battre, et pour qui? Pour l'Angleterre qui vient d'exiler, qui vient de pendre nos compatriotes innocents, pour l'Angleterre. Non, nous ne nous battons pas pour elle; nous ne dirons pas que nos enfants sont assez âgés pour prendre les armes, nous ne dirons pas combien nous en avons. L'indignation était juste et le recensement a été faux au dernier degré.

Qu'on interroge chacun des membres pour le Bas-Canada et il n'y en a pas un qui ne dise qu'en 1844 le recensement pour son comté n'a été défectueux. Je vois quelques notes qui m'ont été transmises de la part des messieurs du clergé, qui me disent qu'à St.-Jacques par exemple le nombre des communicants était en 1844 de quatre mille. On estime le nombre des communicants généralement aux deux tiers de la populations. La population devait donc être de six mille âmes. Le recensement de 1844 la représentait cependant comme de trois mille. (écoutez.)

Je citerai encore l'établissement de Hull, dans le comté des Outaouais. La population est presque toute anglaise. Le curé catholique de l'endroit me dit que Hull contenait 400 communicants; la population d'après le recensement ne lui en donne que 300 en comptant les protestants, etc.

Il en a été de même dans toutes les parties du pays. La progression



de la population n'a pas été, ainsi que veulent le donner à croire les hon. membres, ralentie par suite de causes naturelles, mais par un seul trait de plume, par la circonstance bien connue que les canadiens dans la plus grande partie du pays, ne voulaient pas se défendre contre les Etats-Unis à la suite d'excès qui justifiaient leurs craintes et leur refus de servir.

Mais il y a une autre source d'erreur flagrante dans les tableaux des naissances et des mortalités qu'on nous présente. Le tableau des mortalité (sic) est accru de tous ceux qui sont morts pendant l'émigration; tous ceux qui sont morts en passant, tous ceux qui sont arrivés ici à l'agonie étant portés en ligue contre le tableau des naissances. Les mortalités absorbent plus de moitié des naissances. Cela ne s'est vu autre part. En prenant les naissances telles qu'elles sont constatées, elles auraient à elles seules suffi pour augmenter la population de cent mille depuis le dernier recensement. En y ajoutant vingt-cinq mille âmes pour la population qui nous est restée, l'augmentation de la population dans le Bas-Canada depuis 1844 ne peut pas être de moins de cent cinquante mille âmes. Ainsi en s'appuyant même sur les données de ceux qui veulent du mal à leur pays, on peut faire voir que l'augmentation de la population dans le Bas-Canada est au moins double du chiffre de soixante et cinq milles âmes qu'ils lui donnent.

Si la mesure qu'on nous propose est désirable, doit être adoptée, pourquoi les hon. membres n'en demandent-ils pas la mise à exécution? On aime mieux se réserver le droit de mettre la nouvelle loi en force que lorsqu'on aura gardé pendant quatre ans l'exercice du pouvoir. Cette loi n'est pour avoir effet que lorsque les hon. membres seront restés pendant quatre années en charge. Pourquoi vouloir ainsi nous priver pendant un long espace de temps de ce que l'on dit nécessaire? Pourquoi ne pas attendre à la prochaine session? Il doit y en avoir encore deux avant la fin du présent parlement. Pour ne pas attendre et ne pas faire un recensement? Pourquoi? pour tromper le peuple après les élections, comme on l'a trompé avant les élections. Qui oserait aujourd'hui se présenter devant les électeurs, non pour leur dire: je veux que la représentation soit basée sur la population; mais pour leur dire: je trouve bon et juste qu'avec cent cinquante mille habitants de plus que le Haut-Canada, vous n'avez pas un représentant de plus? Voilà les supercheries d'une administration pratique. Voilà les hommes qui ne craignent pas d'être posés à leur juste valeur. Ils dissimulent pour pouvoir dire plus tard à leurs électeurs; nous n'avons pas encore fait grand mal, et nous avons droit à la continuation de la confiance que nous vous avons surpris.

Les hon. membres ont surpris la confiance du peuple, parce qu'on s'est présenté devant lui avec le manifeste du comité constitutionnel de Québec et que ce manifeste demandait la réforme électorale basée sur la population, quoiqu'on puisse vouloir y trouver. J'y ai lu cela en toute lettre; je l'ai compris ainsi, et je suis persuadé que la généralité de ceux qui l'ont étudié, l'ont compris ainsi. Peut-être n'a-t-on pas voulu faire de ce principe une condition sine qua non, mais l'ensemble des résolutions n'en comportait pas moins que ce principe était juste, était le seul qui put nous rendre supportable l'acte d'Union.<sup>73</sup>

L'hon. procureur-général en est revenu à regarder, pour sa justification, à la composition du sénat américain qui donne au plus petit, comme au plus grand état de l'Union, deux sénateurs; mettant ainsi tous ces états sur un pied d'égalité. Il lui a déjà été dit que ce principe avait été trouvé bien par les américains, parce qu'ils l'avaient demandé d'eux-mêmes; pas un des Etats-Unis n'a été obligé d'y accéder malgré lui; chaque état aurait pu rester indépendant à part. Mais, comme les attributions du congrès ne sont restreintes qu'à un très petit nombre de cas, à une très petite attribution législative, le sacrifice des grands états en faveur des petits ne pouvait pas avoir de grands inconvénients, parce que pour tout ce qui touchait à leurs intérêts locaux, hors des questions de guerre, de commerce et de poste, chaque état demeurerait maître chez lui et réglait ses affaires sans qu'aucun autre état y put intervenir. Est-ce là les conditions qu'on nous a faites à nous? A-t-on dit que si l'on agissait ainsi envers nous, c'était à cause de la difficulté qu'il y aurait d'asseoir l'assiette de l'impôt sur l'objet d'importation, dans un but de revenu? Non; ça été sans nous consulter; non, car notre opposition à l'acte d'Union, comme dans le Haut comme dans le Bas-Canada; on nous a dit vous nous serez unis malgré vous. La minorité fera la loi à la majorité. L'Union nous a été imposée sans conditions, et uniquement au moyen de l'intimidation.

L'hon. procureur-général, en nous déclarant qu'il faut aujourd'hui que nous souffrions l'injustice, pour pouvoir plus tard l'imposer au Haut-Canada, nous dit qu'il ne dit cela que pour lui. Il fait bien. Il ne peut trouver un homme de jugement même modique qui le soutienne dans ce principe qui dise, avec lui, que le Haut-Canada ne demandera pas plus tard, lorsque sa population surpassera la nôtre, la représentation basée sur la population. Il le voudra parce que c'est juste, et quand il dira à l'Angleterre: je demande le système de représentation qui est en force aux états; nous sommes un sujet de honte pour les trente millions d'hommes sur la terre de liberté qui nous avoisine; avec ces considérations, il obtiendra sa demande. Ces considérations me justifient à dire que, lorsque le temps sera venu pour le Haut-Canada de demander le rappel de cette clause injuste de l'acte d'Union, il le fera sans hésiter. Et puisque les Haut-Canadiens reconnaissent ce principe comme juste pour eux, ils ne peuvent pas se refuser de le reconnaître comme tel quand nous l'invoquons. Cela montrerait qu'il n'y a pour les conduire, que le sentiment de l'intérêt et de la nécessité du moment. Toujours qu'on le veuille ou non il est bien évident que la question roulera sur ce principe, le maintien ou le rappel de l'Union. Et dans cette persuasion là je n'hésite pas à voter contre le bill devant la Chambre. Il faut cinquante-six voix pour le faire passer. Je n'hésiterais pas de voter contre, si j'étais la cinquante-sixième voix. Je tiens autant que qui que ce soit à une représentation nombreuse. C'est une sauvegarde contre la vénalité. Je ne veux néanmoins pas de cette augmentation de représentation, s'il nous faut la voter à des conditions aussi iniques. Nous devons dire au gouvernement: nous ne pouvons soutenir cette mesure parce que ça serait nous enchaîner, nous engager à faire fonctionner l'Union comme elle a fonctionné pendant les dix dernières années. Quand on voudrait demander le rappel de l'Union, on nous dirait; vous n'avez pas bonne mine, vous n'êtes pas de force à demander le renversement d'une constitution que

vous avez aidé à faire fonctionner. Vous avez consacré un principe qui vous humiliait, qui décrétait l'abaissement du Bas-Canada, vous n'avez pas droit de vous plaindre de l'Union.

L'hon. procureur-général, dit l'hon. membre pour le comté de St.-Maurice, doit son siège dans cette Chambre à l'acte d'Union. Mais non, je ne crois pas tenir mon droit de l'Angleterre ou de l'acte d'Union. Je crois qu'un sujet anglais ça serait de la tyrannie que de m'en priver, et que de me le donner n'est pas un privilège.

J'appellerais tyrannie de me priver de ce droit; j'appellerais tyrannie de me le donner comme un semblant de protection quand il n'en est pas un. Je vivais tranquille au sein de ma famille, quand le peuple a cru devoir m'envoyer en parlement, il n'appartient à personne ici de s'en plaindre.

Si l'on voulait faire des calculs faciles à constater nous devrions avoir dix représentants de plus que le Haut-Canada. Cela lui nuirait-il? Peut-il avoir quelque chose à craindre d'une législature où l'on serait en majorité? Nous n'avons nulle raison, nul moyen de lui faire tort. Leurs croyances d'abord sont protégées par le sentiment de modération qui a toujours existé ici, puis par la force armée au service du gouvernement. Si nous demandons justice, ce n'est pas pour faire de l'agression contre eux, c'est pour empêcher qu'il la porte contre nous. Ils sont protégés par le fait que nous n'avons presque pas de canadiens dans le Haut-Canada. Les canadiens y sont si peu nombreux, qu'ils ne forment nulle part un noyau assez fort pour donner des craintes. J'espère qu'on y trouve le bon accueil qu'on a trouvé toujours parmi des hommes éclairés. Je puis bien détester le gouvernement tyrannique qui a toujours régné ici, et en Irlande. Je puis bien avoir une objection individuelle contre un gouvernement où l'élément aristocratique prévaut tellement, que la masse de la population en souffre, sans que pour cela j'aie manqué d'accueillir avec complaisance ceux des fonctionnaires des chefs de ce gouvernement qui ont pu avoir avec moi des rapports civils. Mais autre chose est de dire que ces institutions sont bonnes. Autre chose est de dire que je n'y vois pas d'erreur, que je ne vois pas d'autres institutions qui soient meilleures. On peut conserver ses opinions, sans pour cela cesser de voir avec plaisir ceux qui diffèrent d'avec nous.

Je n'ai jamais entendu dans cette Chambre où au dehors une bonne raison en faveur de l'Union. D'après lord Sydenham et lord Durham eux-mêmes, le but de l'Union était de charger le Bas-Canada des dettes du Haut-Canada que celui-ci ne pouvait payer seul. La difficulté aujourd'hui est levée. Le Haut-Canada a amélioré ses canaux, les a achevés, même faits en entier à nos dépens. Les Etats-Unis qui, lors de la dernière guerre, n'avaient sur toute la frontière du Haut-Canada qu'une large listière de forêts, ont aujourd'hui cette même étendue du pays une population de deux millions d'habitants, avec un commerce immense et des voix de communication faciles qui lient le Haut-Canada avec New-York. Or, si les tableaux comparatifs du prix des grains à New-York et à Montréal montrent un prix supérieur constant dans les Etats-Unis, n'est-il pas évident que l'intérêt du Haut-Canada est de dire, nous avons reliés les lacs ensemble, et le transit de nos produits, malgré les droits, nous donne vingt sous de profit par minot de grain, et bien que nos canaux soient complétés. C'est ainsi qu'il se détache de tout intérêt,



de tous rapports avec le Bas-Canada. Je ne leur en fais pas un reproche: c'est leur intérêt. Mais je dis que, puisque c'était afin de nous faire aider au confectionnement de leurs canaux, afin de nous faire aider à leur procurer d'aussi grands avantages qu'ils ont sollicité l'Union, ils devraient, aujourd'hui que ces raisons existent plus en leur faveur, consentir au moins au rappel de l'Union.

C'est en vue de toutes ces considérations qui montrent qu'il y a erreur et malveillance dans l'acte d'Union, que le plan est fautif; que l'Union est pour tous une cause de dépenses énormes, de législation vicieuse; c'est parce que tous les jours il y a dans notre législation une perte de temps immense qu'il est impossible d'éviter, que je crois qu'on devrait avant tout penser au rappel de l'Union. Cependant c'est dans ces circonstances qu'on nous propose un bill pour nous faire consacrer de qu'il y a de plus odieux, de plus humiliant dans l'Union, et que l'on nous répond que la seule raison pour n'en pas demander le rappel, c'est qu'on aurait de la difficulté de l'obtenir. Il faut pour cela y renoncer, c'est cette malheureuse hésitation à surmonter des difficultés qui a fait qu'on n'a pas protesté dans le district de Montréal contre l'acte d'Union comme on l'avait fait dans d'autres districts.

Si jamais l'on nous dit néanmoins à cause du présent bill que l'Union a été par nous acceptée, nous pourrions toujours dire que ça été dans un temps où la représentation était défectueuse, dans un temps où nous avions droit à dix représentants de plus que nous en avons. Nous avons droit à dix représentants de plus, et je les demande, d'abord parce que c'est juste; puis parce que c'est un moyen de faire désirer pultôt au Haut-Canada la séparation des deux provinces, ce qui serait dans l'intérêt mutuel. Et les libéraux du Haut-Canada qui le refusent sont des hommes oppresseurs, mille fois plus oppresseurs que ne le seraient leurs antagonistes qui le demandent.<sup>74</sup>

DR. NELSON was not at all surprised at the tone taken by the hon. member for St. Maurice on this occasion. That hon. gentleman was always harping on the Union--it was the staple of his speeches, and he was constantly endeavouring to impress on the House the necessity of immediately doing away with it, or he would never be satisfied, asserting at the same time that ten people to one are in favour of its dissolution. He (Dr. Nelson) conceived that he knew as much, if not more, of the opinion held by the people throughout the country on this question; and he could tell that hon. gentleman, that instead of his statement being correct, the farmers and the population generally had more common sense and more practical views than that hon. gentleman. What! was the old game to be renewed and acted over again? Were they going again to put one Province against the other for the benefit of particular portions? Why, the thing was monstrous; and, therefore, all the favorite arguments of the hon. gentleman, repeated for the fiftieth time, were utterly pointless. The Union must be repealed, said the hon. gentleman. Lower Canada has suffered dreadfully through the intrigues of the Upper Canadians! What are all the bright prospects of the United Province to be blasted, in order to gratify the wild vision of a man whose whole life has been the pursuit of a theory, and nothing else! If he were wrong, let one single practical work be named, and he would confess it. Despite, however, the long speeches of the hon. gentleman, there was one consolation for those who were really attached to the interests of this country,

that the influence which the hon. gentleman had exercised so despotically during thirty years, was completely gone. Circumstances has changed since that hon. gentleman had held that power; but the hon. gentleman had still remained the same--visionary and impracticable as ever,--the only difference was his advance in years. What was the hon. gentleman's argument now? That Lower Canada had been wronged by being put on the same basis as Upper Canada representation. If Upper Canada in a few years--when, by means of immigration, she surpasses Lower Canada in point of population--should come forward and demand an increase of representation, it will be in consequence of the course pursued by the hon. member for St. Maurice. The Upper Canadians would naturally say, that when their brethren in the Lower Province were in the ascendant, they had not been used fairly, and their rights had been trampled under foot, and that they would take their revenge when the majority was on their side. That he had no doubt would be the language of Upper Canadians in such circumstances, and the whole of the odium would necessarily rest on the party who now came forward with this project. He had very little doubt, that hon. gentlemen on the other side of the House would make use of this question in an attempt to overturn the Ministry, but he did not think that they would be supported in their efforts by the U. Canadians. A great many of the old subjects of excitement were now rarely used for any such purpose, he had no doubt, as the intercourse between the two sections of the Province became greater, they would find that their old prejudices against each other were unfounded; and that their interests, which they had always been taught to consider as entirely opposed to each other, were, in reality, the same, and they would say, "Let us cease these endless struggles, and work henceforth in harmony for the benefit of the whole." The hon. member for St. Maurice had, as usual, got hold of his old hobby,--Responsible Government,--and prophesied all sorts of evils, which, according to his view, must necessarily proceed from that form of Government. If the responsible system of Government were fairly and honestly carried out, it would be a blessing to the Province, and leave its inhabitants nothing to desire on the south of line forty-five. And the man who would wish to excite the prejudices of the people against their true benefactors, and who constantly endeavoured to excite distrust and suspicion of their motives, and by fanning the worst passions of the human breast endeavoured to gain his own ends, would always be found to be the man that inviegled against Responsible Government, and asserted that it was unsuitable to the Province. That man if he could obtain his ends, would at once dissolve the Union, and what would be the delightful position of Lower Canada then? Why, Responsible Government would, as a matter of course, be repealed at once, and it would retrograde infallibly, and go back, to the worst state of things that had ever existed in this Province. The whole of the hon. gentleman's speeches were a tissue of declarations against the existing state of things. Responsible Government and the Upper Canada debt, and the canals were all subjects for complaint on the part of the hon. gentleman. The latter especially were a terrible eyesore to the hon. gentleman. He did not seem to know that these canals were constructed to obtain that enormous Western trade, which by natural impediments, and unwise legislation had been driven out of our splendid natural canal through the dirty ditch

which has monopolised it for several years past. He ought to know also, if he did not know, that those canals were not constituted for the benefit of Upper Canada. No, the whole of Canada must benefit by the improvement in our mode of communication with the upper country, and especially Montreal. It was therefore absurd and disgusting to hear hon. members incessantly dinning into their ears the old story that the Lower Canadians were despoiled, and were to be still further despoiled, by the burthen imposed by Upper Canada. Such language could only be used for sinister purposes, and must proceed from a narrow and contracted heart. But, in fact, there was only one individual who made use of this language so repeatedly; and it was not to be wondered at, when hon. members knew that his sole objection to the present system was because he did not now fill his old place in the chair, and was not at the helm. Respecting the Bill introduced by the Hon. Attorney General, he did not think there was any immediate necessity for an increase in the representation; he was disposed to try if the Government could not go on a little longer under its present representation. However, he was not prepared to say that the Bill was not a good one, and in its operation might justify the hon. member who introduced it; and as he had the utmost confidence in the Ministry, and was well aware that they possessed a great deal more information on such subjects than he could ever hope to possess, he would support them, and throw the whole responsibility of the measure on their shoulders.<sup>75</sup>

MR. BADGLEY said that hon. gentleman appeared to have totally neglected the real subject under discussion, and to have merged it to the question of the Union. Taking up the real question--the resolutions of the hon. member for Quebec--it appeared to him that they would materially affect the very existence of the Government and constitution under which we lived. He would therefore oppose them, more particularly as they did not touch on the representation of the country to Parliament merely, but went further, and bore upon a subject that ought to be discussed by itself.<sup>76</sup>

COL. GUGY had been actively engaged in another place that day; he had not heard the beginning of the debate, and he would, therefore, be brief. There were two races in the country. In the present circumstances the Imperial Power should take more notice of the British inhabitants, as they had no other hope. The Hon. member for St. Maurice was a man of extensive reading, and always brought it to bear on all his arguments. He claimed the same rights here as he would have had if he had been born on the banks of the Thames; but the insurrection of a rural population under the guidance of the Hon. member was an act of insanity. The Union was devised to prevent one party domineering over the other, and they might not expect either good government or peace if the Provinces were again divided. They saw that the English race had the predominancy in the United States over all races of all other origin, which they might exercise to their prejudice, but they did not choose, and it was one reason why they had peace there. It was difficult to restore confidence when lost, as the Solicitor-General West expressed it, it was a plant of slow growth; yet England had again awarded this confidence to us, and had given



us Constitutional Government. The Resolutions of the hon. member appeared to him entirely uncalled for, and if he opposed the first, as they were all of a series, it was necessary that he should vote against all; but it seemed to him reasonable that the representation should be based upon territory and population. He asked the Hon. Attorney-General West, how he thought this could legislate, unless they knew exactly what the population was? He had seen a number of nice hypothetical calculations, which reminded him of an anecdote of his school-boy days, when he went to school with his hon. friend from Simcoe:--Certain proportions of a ship were given to calculate the name of the Captain, and the boy to whom the question was put, actually went to work to find it out--(Laughter.) The calculations of the Ministry were like that. They must have facts to go upon, and he called upon the Ministry, who were all powerful in the House, to give them something beginning at the beginning--some data on which they could go, and he promised them they should have the ten votes wanted to carry their measure, without beating their political drum.<sup>77</sup>

M. CHAUVEAU.--(en anglais) Je profite du droit de réplique qui m'appartient, et pour répondre aux observations de l'hon. procureur-général pour le Bas-Canada, et pour expliquer à ceux des membres de cette Chambre qui ne comprennent que l'anglais, les motifs qui m'ont fait proposer ces résolutions.

L'hon. procureur-général pour le Bas-Canada a un singulier mode d'augmentation. Il ne refute pas ce que vous dites; mais il cherche quelque chose de très absurde et il dit: si vous eussiez dit cela, vous eussiez été plus logique. Prouvez d'abord que je ne suis pas logique, et vous chercherez ensuite ce que j'aurais du dire pour être aussi ... que vous le désirez.

L'hon. membre a fait à mon hon. ami qui représente le comté de Lotbinière le compliment qu'il était plus logique que moi. Je félicite mon ami de ce qu'il s'est attiré les bonnes grâces du procureur-général, c'est toujours quelque chose, et ses compliments sont d'autant plus à apprécier qu'ils sont plus rares.

L'hon. procureur-général dit que mon hon. ami est plus logique, parcequ'il veut se débarrasser du Haut-Canada, parcequ'il est prêt à agiter de suite le rappel de l'Union. Il prétend que la première résolution que je présente comporte en elle la nécessité d'agiter de suite le rappel de l'Union.

Cette première résolution est dans les mêmes termes que celle qui fut proposée en 1841 et pour laquelle vous avez enregistré votre vote, M. l'orateur, et pour laquelle il n'y a pas à douter que l'hon. procureur-général eût enregistré son vote s'il eut été en Chambre à cette époque. A-t-on depuis agité le rappel de l'Union? S'est-on cru lié par cette résolution à agiter le rappel de l'Union? L'hon. membre pour le quatrième riding d'York (M. Baldwin) avait voté pour cette résolution. A-t-il agité le rappel de l'Union? Cependant d'après l'hon. procureur-général, tous ces hon. membres auraient été inconséquents avec eux-mêmes; car il prétend que l'on ne saurait protester contre un ordre de choses sans adopter de suite les moyens les plus énergiques pour le faire disparaître.

Mais l'hon. procureur-général n'est pas sérieux dans cet argument, car il nous dit du même coup qu'il voterait lui-même pour la première

résolution, si elle contenait un protêt pur et simple contre l'Union, et assurément l'hon. procureur-général a envie moins que jamais d'agiter le rappel de l'Union. Il n'est pas prêt, dit-il, à souscrire à cette partie de la résolution qui dit qu'il y a dans l'acte d'Union des clauses injustes et contraires aux droits communs des sujets britanniques. Comment! Il n'y a plus de clauses injustes dans l'acte d'Union!

Je sais qu'on a retranché cette clause absurde, ridicule, que le paroxysme seul de l'injustice avait pu y faire mettre, et par laquelle on proscrivait notre langue.

Je sais qu'on a permis à cette Chambre de voter une liste civile permanente, et je ne chicanerai pas l'hon. procureur-général sur ce point; quoiqu'il me serait facile de lui demander si, parceque nous nous sommes liés les mains à nous-mêmes, nous les avons moins liées que lorsqu'elles avaient été liées par la mère-patrie.

Mais les autres clauses injustes de l'acte d'Union n'ont-elles pas encore leur effet plein et entier? La clause qui nous charge de la dette du Haut-Canada est-elle disparue? Est-ce parce que cette dette a été augmentée d'un million et demi à quatre millions que nous devons nous trouver soulagés? Est-ce parce qu'on a dépensé et qu'on dépense tous les jours des sommes énormes pour compléter l'oeuvre que cette dette a commencé qu'on doit dire que cette clause injuste a disparu?

Mais la clause qui fixe le quorum de cette Chambre à un nombre de membres déterminé, qui nous ôte de droit de déclarer nous-mêmes comme font tous les autres corps délibératifs, quel nombre de membres sera requis pour procéder aux affaires, cette clause a-t-elle disparu.

Mais toutes les clauses injustes que signale l'hon. membre pour le comté de Norfolk dans les résolutions se (sic) qu'il propose de soumettre à cette Chambre ont-elles disparu?

Mais la clause qui fixe une représentation numériquement égale pour chacune des sections de la province sans égard à leur population respective, cette clause a-t-elle disparu? L'hon. procureur-général croira-t-il l'avoir fait disparaître, lorsqu'il aura simplement augmenté la représentation?<sup>78</sup> En supposant qu'on refuserait de donner au Haut-Canada une augmentation de représentation d'après l'accroissement de sa population, ce qui serait injuste; cet acte d'injustice envers le Haut-Canada rendrait-il le même acte juste envers le Bas-Canada? Si la représentation doit être basée sur la population, est-il juste que le Bas-Canada continue de souffrir le mal qu'il a enduré depuis dix ans par une représentation égale? Bien que l'hon. membre pour Montréal ait dit qu'il n'y aurait pas d'augmentation dans la représentation du Haut-Canada, est-il vraisemblable que le peuple s'y soumettra?<sup>79</sup>

Ecoutez, écoutez, de la part des tories.<sup>80</sup>

M. CHAUVEAU ((continua)) N'a-t-on pas eu la majorité ministérielle une année d'un côté et l'année suivante de l'autre? quelle preuve de permanence avons-nous? Parce que le Haut-Canada aura un jour une population plus nombreuse que celle du Bas-Canada, ce n'est pas une raison pour que celui-ci ne jouisse pas aujourd'hui des privilèges qu'il a droit d'avoir.<sup>81</sup>

DR. NELSON. It would not do to give one portion of the Province an advantage over the other.<sup>82</sup>

M. CHAUVEAU. Dans ce cas, on est donc prêt à refuser au Haut-Canada le droit d'être représenté suivant sa population!<sup>83</sup>

SIR A. MACNAB. Ecoutez.<sup>84</sup>

M. CHAUVEAU. Cependant tout cela n'est que supposition, car on a aucune preuve à donner sur ce point.

M. Chauveau continua de parler considérablement longtemps, mais c'était en Anglais, cette fois, et une traduction des arguments de son premier discours.<sup>85</sup>

L'hon. procureur-général demande à quel propos réitère-t-on ce protêt, si on ne veut pas agiter de suite la question du rappel. Il demande pourquoi ne pas avoir protesté chaque session. Cette question non plus n'est pas sérieuse. A-t-on chaque session du parlement proposé de modifier la constitution qui nous régit, d'augmenter la représentation et de changer les divisions des comtés? Si jamais il y a une circonstance où l'on doive protester de nouveau, n'est-ce pas celle où l'on porte la main pour la première fois sur les dispositions de l'acte d'Union? Si l'hon. procureur-général pense que nous devons nous déclarer satisfaits de l'Union, s'il pense que nous devons tenir à l'Union, quelque chose qui arrive, s'il croit que nous ne serons jamais appelés par de nouvelles injustices, par la force des choses à demander le rappel de l'Union: à la bonne heure, qu'il le dise. Alors il sera logique et conséquent en refusant de protester de nouveau contre cet ordre de choses, en l'acceptant, en le modifiant sans aucune réserve. Mais quelqu'amoureux qu'il soit de l'Union, il ne le dira point.

Et ici je puis rendre à un des amis du procureur-général, le compliment que celui-ci a fait à l'hon. membre pour le comté de Lotbinière. L'hon. membre pour le comté de Richelieu est beaucoup plus logique que l'hon. procureur-général et a, lui aussi, de robustes convictions. Il ne veut pas protester contre l'Union; mais aussi il a le courage de répéter la fameuse et malencontreuse phrase: l'Union nous a sauvés! Parlez-moi d'un homme à convictions robustes qui chérit l'Union, qui ne trouve rien de mieux, qui trouve tout parfait! Celui-ci doit bien se donner de garder de voter pour mes résolutions. L'Union a bien fonctionné, dit-il. Ce n'est pas du tout la doctrine du procureur-général qui dit laissez-la fonctionner et faire fonctionner, afin d'en obtenir le rappel sans le demander. L'Union a bien fonctionné, dit l'hon. membre pour le comté de Richelieu, do not thwart (sic) it: n'y mettez pas d'obstacles. Quand on parle ainsi, je comprends que l'on refuse de renouveler le protêt qu'on a fait en 1841. Mais si l'hon. procureur-général eut parlé en 1841, le langage que parle son ami l'hon. membre pour le comté de Richelieu en 1849, je ne pense pas qu'il ait fallu à Lord Sydenham tous les fiers à bras du comté de Glengarry pour chasser l'hon. membre de son comté de Terrebonne.

L'hon. membre qui trouve bon qu'on ait protesté contre l'Union en 1841; qui n'a pas trouvé mauvais qu'on renouvelât ce protêt dans le manifeste du comité de la réforme et du progrès, (du motus, il ne l'a jamais dit,) trouvé très mauvais qu'on le fasse au moment où il vient nous proposer de modifier la constitution qui nous régit. Il veut nous marquer le jour et l'heure où l'on doit protester, et parce que cela ne fait pas précisément son affaire au moment où il veut nous proposer son



bill; il me dit: puisque vous voulez protester quand cela ne me convient pas; faites mieux: agitez. Faites de l'agitation contre l'Union, et contre moi qui m'identifie avec l'Union; si vous osez. Si vous ne l'osez pas; taisez-vous. L'hon. membre peut se trouver assez fort pour lancer de semblables défis; mais j'avoue que malgré son omnipotence, cela ne me paraît ni sage, ni raisonnable de sa part.

Je conçois qu'un gamin dans la rue mette une ... ou un copeau sur son épaule et dise à son camarade: viens m'ôter cela si tu l'oses. Je ne conçois pas qu'un homme de la gravité et de la position de l'hon. membre, je ne conçois pas qu'un premier ministre s'amuse à un pareil jeu.

J'en viens maintenant aux argumens de l'hon. procureur-général contre la seconde résolution.

Tout est pour le mieux; il n'y a plus de clauses injustes dans l'acte d'Union; et la clause qui pourvoit à un nombre égal de représentants ... est juste ... parceque l'on suppose que bientôt la population du Haut-Canada dépassera celle du Bas-Canada.

Je ne sais pas ce que pensent les membres du Haut-Canada de cet argument. Il était injuste que le nombre de représentants fut égal pour les deux sections de la province aussi longtemps que nous en avons souffert; nous l'avions toujours dit, nous nous en sommes toujours plaint. Du moment où le Haut-Canada en souffrira, cela deviendra juste, et nous les y tiendrons soumis.

Oh! mais, dit-on, cela n'est pas juste d'une justice absolue; nous en convenons: mais enfin vous n'avez rien pour vous étayer que cette justice absolue, rien qu'une philosophie abstraite!

Que je suis à plaindre, M. l'orateur! Je n'ai rien pour m'appuyer que la justice absolue! Rien qu'une philosophie abstraite, rien que la logique! Voulez-vous bien me dire comment vous appelez cette espèce de justice qui n'est pas de la justice absolue, qui n'est pas de la justice pour tout de bon, qui n'est pas de la justice pour tout le monde? Voulez-vous bien me dire, ô hommes pratiques que vous êtes, comment ce qui est logique en théorie, devient absurde dans la pratique? Voulez-vous bien surtout, me dire en quoi la logique diffère du sens commun, et comment, lorsqu'on est fidèle à la logique, on peut invoquer de sens commun?

L'hon. procureur-général a pris soin de nous dire que lorsqu'il avait déclaré que jamais il ne consentirait à ce que la représentation du Haut-Canada fut plus grande que celle du Bas-Canada, quelque fut l'augmentation et la disproportion de la population, il nous a dit qu'en parlant ainsi il parlait pour lui-même et ne prétendait point parler pour ses collègues. Je le savais bien, je savais bien que son collègue l'hon. procureur-général pour le Haut-Canada était trop honnête pour vouloir nous tromper. Je savais bien que ce n'était pas l'hon. procureur-général pour le Haut-Canada qui sacrifierait ainsi les intérêts du Haut-Canada, je savais bien qu'il n'aurait point la folle prétention de lier le peuple du Haut-Canada par son pacte avec son collègue.

Et suppose qu'il le ferait: quelle garantie cela comporterait-il? Où vont les hommes politiques après un certain temps? Les questions même (sic) que l'on agite, le terrain même de la discussion, ne changent-ils pas chaque jour?

Maintenir l'égalité de la représentation en tout temps me paraît impossible; outre que cela me paraît injuste. Ne parlez pas de rétribution ni de compensation: personne n'admettra la compensation d'une injustice par une autre injustice. Comment! vous n'êtes pas capable (sic), dites-vous, d'obtenir justice aujourd'hui que vous avez peur vous et le nombre et le bon droit; et vous seriez capables d'empêcher le Haut-Canada d'obtenir justice quand sa population sera double de la votre? Vous ne pouvez rien avec le nombre et la justice pour vous; et vous pourrez tout avec le nombre et la justice contre vous?

Du moment qu'ils se sentiront en injustice, les Haut-Canadiens demanderont une représentation proportionnée à leur population, et ils l'obtiendront; ils l'obtiendront de la justice et des sympathies de l'Angleterre, ils l'obtiendront de la haine pour nous et des sympathies pour eux, de la population anglaise du Bas-Canada; ils l'obtiendront parce que l'acte d'Union a été fait pour eux et contre nous; parce qu'ils sont les exploitateurs et que vous êtes les exploités; parce que vous êtes les esclaves et qu'ils sont les maîtres.

Mais en supposant qu'on put le leur refuser la résolution que je propose aujourd'hui et qu'ils vont négativer, ne serait-elle pas le meilleur, le seul argument qui pourrait leur être opposé? Ne sera-ce point eux le meilleur argument que de dire: il fallait demander une représentation suffisante lorsqu'elle était à votre avantage; et ne sera-ce pas la meilleure réponse à leur faire que de dire: nous l'avons demandé, nous avons posé le principe qui vous serait favorable aujourd'hui: vous nous l'avez refusé, vous l'avez négativé. C'est pour cela, M. l'orateur, que je suis fâché de voir un si petit nombre de membres du Bas-Canada voter pour cette résolution, et que j'aurais préféré la voir négativer par une majorité composée principalement de membres du Haut-Canada; et cela même au point de vue où s'est placé l'hon. procureur-général.

Il y a une autre point sur lequel l'hon. procureur-général me paraît être en contradiction avec lui-même. Il nous dit gravement qu'il s'opposera toujours à ce que le Haut-Canada obtienne une représentation supérieure en nombre. Mais si son omnipotence cessait un jour à venir, s'il allait échouer dans ce projet! si le Haut-Canada allait obtenir cette prépondérance? Quel remède lui resterait-il à son compte? Le rappel de l'Union? Et aura-t-il bonne grace à agiter cette question lorsqu'il aura dit ou laissé dire: l'Union nous a sauvés!

Mais l'hon. procureur-général me dit: comment pouvez-vous espérer faire passer ces résolutions? Comment? D'après votre propre raisonnement, d'après vos propres avances. Vos calculs sont vrais ou ils sont faux. S'ils sont vrais, si le Haut-Canada devait si promptement nous surpasser et en population, en bonne politique, les membres du Haut-Canada devraient préférer nous donner quelques membres de plus pour quelque temps, afin de jouir promptement d'un avantage bien plus grand et permanent; ils devraient donc voter pour mes résolutions. Mais dites-vous, il n'y en aura pas un seul qui se lèvera avec vous. Que dois-je en conclure, sinon qu'ils n'ont pas foi en vos calculs?

Voici bien cependant une autre idée, voici bien une autre découverte, et c'est l'hon. membre pour le comté de Richelieu, qui a fait cette découverte. Si jamais les représentants du Haut-Canada s'aperçoivent

qu'ils ont une population plus considérable, et si l'idée leur en vient de demander justice par la suite, la responsabilité en retombera sur ceux qui leur en auront les premiers donné l'idée.

Pauvres représentants du Haut-Canada! Pauvres aveugles en politiques! Ils auraient doublé leur population sans jamais s'en appercevoir; et sans notre discussion, jamais ils n'auraient songé à demander une représentation proportionnelle dans la représentation! L'hon. membre pour le quatrième Riding d'York est-il flatté du compliment? Quelle admirable idée! Et quelle bonhomie dans la manière dont elle est exprimée!

Je reviens à l'hon. procureur-général. Il me demande pourquoi je n'ai point fait des chiffres pour opposer à ses calculs. Pour une raison bien simple, parceque mes suppositions n'auraient rien prouvé de plus que les siennes, parceque des suppositions exprimées par des chiffres ne sont toujours que des suppositions, comme si elles étaient exprimées par des lettres au lieu de l'être par des chiffres, enfin parceque, je crois que l'on doit aborder de semblables questions avec des faits et non pas avec des hypothèses.

Il n'y a personne qui n'ait été surpris de voir tout à coup diminuer le chiffre de la population du Bas-Canada, contrairement à l'opinion généralement entretenue, et qui n'ait été également étonné de voir augmenter soudainement le chiffre de la population du Haut-Canada. J'ai donné quelques faits, et l'hon. membre pour le comté de St.-Maurice en a cité quelques autres pour prouver qu'il y avait de grandes erreurs dans ce tableau qu'on nous a soumis. Si l'on me demande ce que je pense, je dirai franchement que je crois ce que tout le monde croyait l'année dernière, que la population du Bas-Canada est plus nombreuse de 125,000 à 150,000 que celle du Haut-Canada. Mais que puis-je exprimer là-dessus que des doutes? Et c'est premièrement pour cette raison que je demande un recensement. Pourquoi n'a-t-on pas voulu le faire l'année dernière? Pourquoi veut-on encore en laisser le soin aux municipalités qui ne fonctionnent pas? Pourquoi ne veut-on pas faire un recensement?

L'hon. procureur-général m'a interpellé au sujet du manifeste du comité de la réforme et du progrès. Il me reproche de n'y avoir fait allusion que d'une manière vague. Je n'ai rien à lui répondre parce qu'on m'a reproché une complaisance trop personnelle à l'égard de ce document. On me demande quelle partie, quel passage du manifeste veut la réforme électorale basée sur la population. Je réponds: tout le manifeste. L'esprit et le sens de ce document en entier veut la réforme électorale basée sur la population. C'est ainsi qu'on l'a compris alors dans tout le pays. Mais comme l'a observé l'hon. membre pour le comté de St.-Maurice, on n'a pas voulu en faire un sine qua non. Et c'est pour cette raison qu'après que mes résolutions auront été négativées, si elles doivent l'être, je voterai pour le bill (écoutez, écoutez.)

Je n'entens pas blâmer l'hon. membre pour le comté de St.-Maurice, qui croirait sanctionner l'égalité de la représentation comme principe, et l'acte d'Union en votant pour ce bill. Pourquoi, je crois mes opinions suffisamment protégées par mes résolutions.

De quoi s'est-on plaint? On s'est plaint non seulement de l'inégalité de la représentation en égard de la population relative de chaque partie de la province; mais on s'est encore plaint de l'insuffisance de la représentation, de l'inégalité de sa répartition entre les différents



collèges électoraux; de l'influence indue accordée à de petites villes et de petits bourgs. Le bill préparé remédie en partie à ces griefs. Il y aura donc progrès et je ne vois pas comment on sanctionne l'égalité numérique de la représentation entre les deux provinces en faisant disparaître ces obstacles à l'indépendance de la Chambre plutôt qu'en les laissant subsister.

Que dit l'hon. membre pour le comté de St.-Maurice, chaque jour dans cette Chambre? Que la Chambre n'est pas assez indépendante. Ne doit-il pas désirer la rendre plus indépendante. N'aura-t-il pas plus de chance d'obtenir la réforme électorale basée sur la population, d'une nouvelle Chambre plus indépendante? S'il veut agiter le rappel de l'Union, comme il l'a déclaré ce soir, n'aurait-il point plus de chance avec une Chambre plus indépendante?

Je crois que dans l'intérêt même de la propagation de ses idées et de sa politique l'honorable membre pour le comté de St.-Maurice devrait voter pour le bill. Dans sa position l'hon. membre devrait désirer un appel au peuple. Eh! bien, je dis franchement que cette mesure comporte avec elle un appel au peuple, et que si cette loi passe, une discussion du parlement est inévitable! Je m'occupe peu de la clause qui dit que cette loi ne viendra en force qu'à l'expiration du présent parlement; je vois bien que cette loi passée, le parlement actuel ne saurait vivre longtemps. Je ne crois pas que le ministère veuille gouverner le pays deux ans avec une législature qu'une aura déclarée insuffisante, avec une représentation qui se sera jugée elle-même, à la face d'un statut qui dira que la Chambre telle qu'elle est constituée ne représente pas le pays. L'hon. membre pour le comté de St.-Maurice ne trouvera-t-il pas là une excellente occasion d'agiter le rappel de l'Union?

Je dois dire que je diffère d'avec l'hon. membre sur l'opportunité de l'agitation immédiate du rappel de l'Union. Et cela, comme je l'ai déjà dit, parceque je diffère d'avec lui sur un autre point important. Je crois que le gouvernement responsable peut rendre tolérable le régime de l'Union, j'ai démontré comment ce système de gouvernement avait subi diverses phases, toujours s'améliorant; et j'ai rappelé et je dois signaler de nouveau ce qui me paraît à l'heure qu'il est une grande imperfection dans son fonctionnement. Je fais allusion à la pratique qu'ont les membres de l'administration de se caser les uns les autres dans des situations permanentes et irresponsables, et principalement de se réserver des places de juge; je crois cela incompatible avec toute idée de responsabilité. Mais j'espère que cet abus ne se renouvellera plus.

Je crois donc que bien que l'on doive dans des occasions importantes protester contre l'Union, il faut avant d'en agiter le rappel avoir une expérience plus complète du gouvernement constitutionnel, en le voyant plus longtemps mis en oeuvre par un ministère tiré des rangs du parti libéral. Je n'ai point sur ce sujet ni sur celui de la politique suivie par le parti libéral depuis l'Union, un seul mot à retracter de ce que j'ai dit dans cette Chambre; et je pourrais répéter aujourd'hui mot pour mot le discours que je fis l'année dernière sur les subsides. Je ne blâmerai jamais une politique que j'ai suivie; je désire qu'on y soit fidèle; voilà tout.

Je méprise trop pour en agir ainsi, ceux qui après avoir suivi une ligne de conduite, en rejettent la responsabilité sur d'autres. Je ne

trouve rien de si déplorable que de voir ceux qui avant 1837 avaient constamment suivi l'hon. membre pour le comté de St.-Maurice (M. Papineau), lui jeter son passé qui est aussi le leur à la figure, et le charger de la responsabilité entière de leurs propres actes. De deux choses l'une, ou ces hommes étaient de mauvaise foi lorsqu'ils le suivaient et alors la peur ou l'intérêt les guidaient; ou ils étaient de bonne foi, ils n'ont guère à reprocher une erreur de jugement dans laquelle ils ont participée (sic). Ni l'un ni l'autre de ces aveux n'est propre à élever bien haut, la réputation d'un homme politique.

Je ne crois pas non plus que l'attitude prise par l'hon. membre pour le comté de St.-Maurice soit sans avantage pour le pays; si l'on veut se maintenir part et d'autres dans de justes bornes. Elle servira de contrepoids à l'omnipotence de l'administration actuelle. C'est une chose bien dangereuse qu'un trop grand pouvoir, même aux mains des hommes les plus sages et les plus pars (sic). Il n'est pas rare de voir un gouvernement nouveau se perdre en réagissant contre son principe et son origine tout aussi bien qu'en abondant trop dans son propre sens.

Si l'on ne veut pas avoir à craindre l'agitation dont l'hon. membre pour le Comté de St.-Maurice avance l'administration, ce n'est pas avec le régime de la proscription et du taisez-vous que l'on empêchera cette agitation; ce n'est pas avec les injures et les personnalités que lance une presse servile, malhonnête et maladroite; mais c'est en se mettant sérieusement à l'oeuvre pour retirer le pays des circonstances désastreuses où il se trouve.

Il vaudrait peut-être mieux sauver réellement le pays malgré l'Union, si cela est possible, que de se borner à dire que l'Union nous a sauvés ce que personne ne croira jamais. Il vaudrait mieux commencer à rendre justice au Bas-Canada; et à se montrer vraiment ce que l'on a si fort la prétention d'être: des hommes pratiques.

Au commencement de cette session j'ai posé diverses questions au ministère, qui toutes avaient pour but de réparer le mal que l'Union nous a fait de rendre justice au Bas-Canada. Je suis fâché qu'on se soit contenté de répondre par un non bien sec à toutes ces questions. Je me flatte cependant que l'on voudra bien reconsidérer ces sujets. Il en est un dont l'un des membres les plus influents de l'administration pour le Haut-Canada a reconnu la justice. Il a dit que d'avoir chargé sur les fonds consolidés de la province, les frais de l'administration de la justice dans le Haut-Canada, était un acte d'injustice envers le Bas-Canada. Cependant il dit que nous ne pouvons espérer voir disparaître cette injustice, parce que le peuple du Haut-Canada n'y consentira jamais. Dieu préserve le peuple du Bas-Canada d'avoir des représentants qui fassent de lui un aussi triste portrait!

J'ai demandé des améliorations matérielles, importantes et l'on m'a accusé d'un étroit esprit de localité. Il est clair cependant qu'améliorer la navigation du fleuve St.-Laurent au-dessous de Québec aidera à la construction du chemin de fer de Québec à Halifax, améliorer le port de Québec, faire un chemin de Québec au lac St.-Jean; tout cela me paraît être aussi utile, aussi important pour le pays tout entier, que les canaux du Haut-Canada et beaucoup plus que les travaux faits en pure perte dans le lac St.-Pierre. Que l'on doive entreprendre toutes ces choses à la fois dans l'état actuel de nos finances, c'est ce que je n'ai

jamais prétendu. Mais avouer qu'on ne voit pas le jour où l'on puisse en entreprendre aucune, c'est laisser un bien terrible argument contre la position que l'Union nous a faite.

Pour moi, je le répète, je ne me joindrai à l'agitation du rappel de l'Union, que lorsque j'aurai été bien convaincu que ni avec un ministère tory, ni avec un ministère réformiste, le gouvernement responsable ne peut fonctionner ni avantageusement pour le pays; que lorsque j'aurai été bien convaincu que ni avec l'un, ni avec l'autre ministère le Bas-Canada ne peut attendre de l'Union que des querelles, des dettes, des injustices et une mauvaise législation. Et c'est pour me réserver le droit et la faculté de le faire quand j'aurai acquis cette conviction que je proteste aujourd'hui de nouveau contre l'acte d'Union et contre les clauses injustes qu'il renferme.

Je demande le pardon à cette Chambre d'avoir abusé de sa patience longtemps et à deux reprises différentes, mais en lui soumettant les résolutions qui vont être lues, j'ai cru lui devoir ces explications.<sup>86</sup>

Dans le cours de ses remarques, M. Chauveau, ayant parlé de ceux qui ont signé le protêt de 1841 contre l'Union des Canadas, et ayant personnellement désigné l'honorable membre pour Berthier, dans le but de les mettre en contradiction avec lui-même, s'ils ne soutenaient pas ses résolutions aujourd'hui, M. ARMSTRONG crut devoir s'expliquer, et il le fit de la manière suivante.

M. l'Orateur. L'hon. membre pour le comté de Québec a cru devoir mentionner mon nom et remarquer que, d'après mon vote en 1841, j'aurais dû agiter le rappel de l'Union. J'ai, en effet, M. l'orateur, formellement protesté avec beaucoup d'autres membres du Bas-Canada contre l'Acte d'Union, et chaque fois que l'occasion s'en présentera je protesterai encore contre certaines clauses de cet Acte. Mais quant au rappel de l'union, en 1841, temps auquel le pays saignait encore de blessures qu'il avait reçues dans une agitation inutile, c'eut été une folie de penser à en suggérer l'opportunité. Vous ne pensâtes pas, vous, M. l'orateur, qu'il fut prudent d'agir alors autrement et plusieurs autres, vingt-cinq au moins; les hons. D.B. Viger et John Nelson entr'autres pensèrent comme vous ((aussi)). Je puis facilement comprendre pourquoi l'hon. membre pour le comté de Québec, lorsqu'il vint en parlement en 1844 n'a pas proposé le rappel de l'union, pourquoi il ne pensa pas même à protester contre l'Union; c'est parce qu'il s'attendait à former parti du présent gouvernement. Alors, des choses qui paraissent si mauvaises auraient probablement été supportables sous sa régence.

Quant à l'hon. membre pour St. Maurice, lui aussi, s'est permis de rappeler quelques votes de 1841, à peu-près de la même manière; tout ce que j'ai à lui dire, c'est qu'il a été un temps où il n'avait pas objection à contracter une Union avec le Haut-Canada pour faire la guerre, et il serait encore aujourd'hui prêt à le faire pour le même objet; mais pour promouvoir la paix, la prospérité et le contentement, il ne veut point avoir d'Union.<sup>87</sup>

MR. WILSON commenced his remarks by reading the resolutions, and said that the hon. member for Quebec had stated that he intended the first resolution to stand on the Journals as a protest. The hon. gentleman



assumed that the people of Lower Canada had not been consulted in the Act of Union. He (Mr. Wilson) would not advert to the period referred to, as he did not wish to utter anything which might have the effect of calling up disagreeable feelings, although the hon. member for St. Maurice, and his coagitator, the hon. member for Quebec, had entered into a discussion on the subject. He was not surprised at the views expressed by the hon. member for St. Maurice, who might have been disappointed in not getting into the Hon. Speaker's chair. (Hear, hear.) But really he did not know what to make of his hon. friend, the member for Quebec, unless it was that he considered his talents of that high order, that he expected to have been quietly seated on the Ministerial benches, where he would have been kept from kicking over the breeches as he was now doing. The hon. member for Quebec had stated that the Union of the Provinces had been of more benefit to Upper Canada than it was to Lower Canada; for the debts of the Upper Province had been paid by the Lower; and had sneered at the public works which had been completed, as if these works were not as much for the good of the Lower Province as for the Upper. What was for the interest of the one part of the Province was equally for the good of the other; and if the improvements in the public works would have the effect of bringing down the produce of the Far West, such a result could not be otherwise than beneficial to the whole Province. Justice to Lower Canada must mean justice to Upper Canada; for it was impossible to draw a line of demarcation where the one ended and the other began. The second resolution, he thought, carried out the views of the hon. member for St. Maurice; but it was something new to the hon. member for Quebec. Representation according to population was republicanism, which the first hon. gentleman openly avowed his love of, but the latter had not gone quite so far as that. A property qualification for votes, and not the number of hands, was what brought out those admirable principles of jurisprudence with which the country abounded. Much had been said on the subject of race, and it was painful for him to hear so much said of race, language and laws, as he was certain it must be to the other hon. members of the House, and of which they had experienced so much on the previous night on the subject of printing the bills in both languages. It was time those party feelings were obliterated, as they were far from being creditable. He thought the hon. member for Quebec had only brought forward his resolutions for the purpose of getting up an argument, for he knew as well when he was drawing them up that no census had been taken, nor could be, as he did not. (Hear, hear.) With respect to the working of the Union, there could be no doubt, that if hon. members would unite together for the good of the country generally, it would work well enough.<sup>88</sup>

MR. H. SHERWOOD (Toronto) thought that few persons would dissent from the opinions expressed by the hon. member for London, but yet the conduct of the Government was in direct contradiction to those opinions, and day after day they came down to the House to propose measures, the discussion of which must tend to arouse these feelings which the hon. member for London deprecated, and revive the recollections of all the calamitous events of the last ten or twelve years. He (Mr. Sherwood) would like to see the members of the ministry, His Excellency's advisers,

rise in their places and inculcate opinions similar to those which the hon. member had expressed. The object of this Representation bill was to give a majority in the Legislature from Lower Canada, to the French population, which Lord Durham declared the British population of Lower Canada never would consent to. When the second reading of that bill should come before the House, he should be prepared to express his opinion on it--these resolutions were but antecedent to the bill. A paper under the direct control as he understood--of the hon. member for St. Maurice, L'Avenir.<sup>89</sup>

MR. PAPINEAU. It is erroneous.<sup>90</sup>

MR. H. SHERWOOD. Well, then, he would not say it was under the control of the hon. member, but that paper said the bill about to be entered on was one calculated to place the British population under the feet of French domination, and to retain it there for years. He (Mr. Sherwood) had also seen a translation of an article from the Journal de Quebec, a paper in the French interest, which also declared that such was the intention of the bill about to come before the House; and the Minerve said the same thing. And yet, whilst these things were passing--whilst measures were introduced calculated to arouse the worst feeling--the Ministry cheered the hon. member for London at every turn, because he inculcated principles the very reverse of those they themselves practised. It appeared to him that such had been the systematic plan of Ministers from the time when the Amnesty Bill was first introduced down to the Immunity Bill, and now the Representation Bill, to place the British population under the control of French domination. (Ironical cries of "Hear, hear.") Hon. members might cry "hear, hear,"; but he (Mr. Sherwood) could understand the English language, that was the only interpretation he could put on the bill. He merely made these observations with reference to the remarks of the hon. member for London, in which he cheerfully concurred. He should reserve any remarks on the principle of the bill until it came before the House.--With regard to the proposition of the hon. member for Quebec, it was one to which he could not give his assent. He admitted that the people of Lower Canada had not been constitutionally consulted on the question of the Union, but, as had been observed this evening, they had placed themselves in such a position that Government could not possibly consult them, and he was of opinion that under the circumstances the course taken by Lord Sydenham--then Mr. Thomson--in selecting a Council from the inhabitants of the Province to advise him, was the best that could have been taken; and that Council passed an ordinance in favour of the Union. Neither were the people of Upper Canada constitutionally consulted. The Legislature then sitting was not elected with a view to the settlement of the Union, and had declared on one or two previous occasions against the union of the Provinces. Then again a despatch from home bearing the signature of Lord John Russell was brought before the House just as the measure was laid before it, and printed and circulated very apropos amongst members, in which it was declared that any person holding a situation under the Government who did not carry out the views of the Government on the question of the Union would be expected to retire from office. Mr. Haggerman, who at that time held office, and who had always opposed the Union, was told by

Lord Sydenham that he might vote against the principle of the Union, as there was sure to be a majority in its favour, but that he must support the Government in the details of the measure. He said then that a Legislature which had already declared against the measure, which was not elected to decide on it, and which was intimidated into supporting it by the production of that despatch was not a fair and proper manner to obtain the opinion of the people of the Province; but that Union had been consummated, and we had acted under its provisions, and we were now endeavouring to carry it out, and he should therefore oppose the first resolution. With regard to the question of representation, it was popular to declare in favor of representation according to population, but that theory could not be carried out except in a country where universal suffrage and vote by ballot prevailed, it could not be reduced to practice in this country as long as there was a qualification of voters. Representation in the Irish and Scotch unions with England, and in the union of the Federal States was not based on population, and so long as we had a Union in Canada he (Mr. Sherwood) was not disposed to lend his voice or assistance in any way to disturb the existing proportion of representatives. With regard to the last resolution providing for the taking of the census of the population of the Province, he would vote for the taking of a census, but not for the purpose of proportioning the representation according to population.<sup>91</sup>

MR. CAUCHON followed at great length in French, in reply to the arguments of Messrs. Papineau and Chauveau, and in opposition to the resolutions, because he thought they were completely useless<sup>92</sup> and not likely to lead to anything. Although the Union was effected in an iniquitous manner, it had given French Canadians, he considered, a fair share in the government of the country, and he was opposed to the agitating the country on the question of the Repeal of the Union. He would vote against the Resolutions and for the Bill<sup>93</sup> because he thought the principle it contained was worthy of adoption by the House.<sup>94</sup>

MR. CHAUVEAU. So it was unfair for hon. members to taunt him with being the coadjutor of the member for St. Maurice, when it was well known that he (Mr. C.) was opposed to the views of the member for St. Maurice about Responsible Government and intended to support that Bill, while the member for St. Maurice intended to vote against it<sup>95</sup> and merely supported him in his resolutions.<sup>96</sup>

MR. PAPINEAU said, that, as the remarks of the hon. gentleman were made in a different language from what the debate had been carried on, he should not notice them.<sup>97</sup>

(168)

*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Chauveau, Laurin, and Papineau.--(3.)*

NAYS.

*Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell,*



Solicitor General Blake, Boulton of TORONTO, Bouthillier, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Crysler, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Lemieux, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Marquis, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Viger, Wetenhall, and Wilson.--(59.)

So it passed in the Negative.

Mr. Chauveau moved, seconded by Mr. Laurin, and the Question being put, That among the provisions which are contrary to justice and the rights of British Subjects, is that which establishes an equal number of Representatives for each of the sections of the Province formerly constituting the Provinces of Upper and Lower Canada, without taking into consideration their respective population;

The House divided: and the names being called for, they were taken down, as in the last preceding division.

(169)

So it passed in the Negative.

Mr. Chauveau moved, seconded by Mr. Laurin, and the Question being put, That in order better to apportion the Representation of the People of this Province in Parliament, it is expedient that another Census should be taken of the People of this Province, at the cost of the Province, under the sanction of a Law, and the immediate direction of the Executive Government;

The House divided: and the names being called for, they were taken down, as in the last preceding division.

So it passed in the Negative.

Then the Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Bill to enlarge the Representation of the People of this Province in Parliament, be now read a second time;

And a Debate arising thereupon;

Ordered, That the Debate be adjourned till tomorrow.

Orders deferred.

Ordered, That the remaining Orders of the day be postponed till to-morrow.

Then, on motion of the Honorable Mr. Attorney General LaFontaine, seconded by Mr. Bouthillier,

The House adjourned.

FOOTNOTES: 20 MARCH 1849.

1. The debate on this matter was reported by: LA MINERVE, 26 March 1849; LA MINERVE, 22 March 1849, and LE JOURNAL DE QUEBEC, 27 March 1849, in identical accounts; MONTREAL GAZETTE, 23 March 1849, BRITISH COLONIST, 30 March 1849, and HAMILTON SPECTATOR, 31 March 1849, in identical accounts; L'AVENIR, 24, 28, and 31 March 1849; LE JOURNAL DE QUEBEC, 24 March 1849, in a much abbreviated account; PILOT, 21 March 1849, GLOBE, 28 March 1849, PROVINCIALIST, 29 March 1849, and PACKET, 31 March 1849, in accounts identical except that the GLOBE abbreviated its account of several speeches, and the PROVINCIALIST omitted several speeches. Commentaries appeared in: LA MINERVE, 22 March 1849; PRINCE EDWARD GAZETTE, 30 March 1849; and MONTREAL GAZETTE, 21 March 1849, which reported that the debate was "very long and unimportant." PILOT, 21 March 1849, described it as "a long debate lasting 8 hours", and noted that it was "by no means a lively or interesting one." When necessary, LE JOURNAL DE QUEBEC will be used instead of LA MINERVE.
2. MONTREAL GAZETTE, 23 March 1849.
3. L'AVENIR, 24 March 1849.
4. LA MINERVE, 22 March 1849.
5. L'AVENIR, 24 March 1849. The PILOT, 21 March 1849, noted: "The hon. gentleman spoke at considerable length on the subject; but as his speech was in the French language, we are unable to give it, in consequence of the temporary absence of our French Reporter."
6. L'AVENIR, 24 March 1849.
7. MONTREAL GAZETTE, 23 March 1849.
8. L'AVENIR, 24 March 1849.
9. MONTREAL GAZETTE, 23 March 1849.
10. L'AVENIR, 24 March 1849.
11. MONTREAL GAZETTE, 23 March 1849.
12. L'AVENIR, 24 March 1849.
13. MONTREAL GAZETTE, 23 March 1849.
14. L'AVENIR, 24 March 1849.
15. MONTREAL GAZETTE, 23 March 1849.
16. L'AVENIR, 24 March 1849.
17. LE JOURNAL DE QUEBEC, 27 March 1849.
18. PILOT, 21 March 1849.
19. LE JOURNAL DE QUEBEC, 27 March 1849.
20. PILOT, 21 March 1849.
21. LE JOURNAL DE QUEBEC, 27 March 1849.
22. PILOT, 21 March 1849.
23. LE JOURNAL DE QUEBEC, 27 March 1849.
24. PILOT, 21 March 1849.
25. LE JOURNAL DE QUEBEC, 27 March 1849.
26. PILOT, 21 March 1849.
27. LE JOURNAL DE QUEBEC, 27 March 1849.
28. IBID.
29. IBID.
30. PILOT, 21 March 1849.
31. LE JOURNAL DE QUEBEC, 27 March 1849.

32. PILOT, 21 March 1849.
33. LE JOURNAL DE QUEBEC, 27 March 1849.
34. IBID.
35. IBID.
36. PILOT, 21 March 1849.
37. LE JOURNAL DE QUEBEC, 27 March 1849.
38. PILOT, 21 March 1849.
39. LE JOURNAL DE QUEBEC, 27 March 1849.
40. PILOT, 21 March 1849.
41. LE JOURNAL DE QUEBEC, 27 March 1849.
42. PILOT, 21 March 1849.
43. LE JOURNAL DE QUEBEC, 27 March 1849.
44. PILOT, 21 March 1849.
45. LE JOURNAL DE QUEBEC, 27 March 1849.
46. IBID., which noted the number as being "27,000 Canadiens d'origine anglaise."
47. PILOT, 21 March 1849.
48. LE JOURNAL DE QUEBEC, 27 March 1849.
49. PILOT, 21 March 1849.
50. LE JOURNAL DE QUEBEC, 27 March 1849.
51. PILOT, 21 March 1849.
52. LE JOURNAL DE QUEBEC, 27 March 1849.
53. PILOT, 21 March 1849.
54. LE JOURNAL DE QUEBEC, 27 March 1849.
55. PILOT, 21 March 1849.
56. LE JOURNAL DE QUEBEC, 27 March 1849.
57. PILOT, 21 March 1849.
58. LE JOURNAL DE QUEBEC, 27 March 1849.
59. PILOT, 21 March 1849.
60. LE JOURNAL DE QUEBEC, 27 March 1849.
61. PILOT, 21 March 1849.
62. LE JOURNAL DE QUEBEC, 27 March 1849.
63. PILOT, 21 March 1849.
64. LE JOURNAL DE QUEBEC, 27 March 1849.
65. MONTREAL GAZETTE, 23 March 1849.
66. IBID.
67. PILOT, 21 March 1849.
68. MONTREAL GAZETTE, 23 March 1849.
69. L'AVENIR, 28 March 1849.
70. IBID.
71. IBID., 24 March 1849.
72. IBID.
73. IBID.
74. IBID., 28 March 1849.
75. PILOT, 21 March 1849.
76. IBID.
77. MONTREAL GAZETTE, 23 March 1849.
78. L'AVENIR, 31 March 1849. The ellipses represents an illegible word.
79. LE JOURNAL DE QUEBEC, 31 March 1849.
80. IBID.
81. IBID.



82. PILOT, 21 March 1849.
83. LE JOURNAL DE QUEBEC, 31 March 1849.
84. IBID.
85. IBID.
86. L'AVENIR, 31 March 1849.
87. LE JOURNAL DE QUEBEC, 27 March 1849.
88. PILOT, 21 March 1849.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. MONTREAL GAZETTE, 23 March 1849.
94. PILOT, 21 March 1849.
95. MONTREAL GAZETTE, 23 March 1849.
96. PILOT, 21 March 1849.
97. MONTREAL GAZETTE, 23 March 1849.

WEDNESDAY, 21 MARCH 1849.

(169)

Quebec Gas  
Company Bill.

AN engrossed Bill to incorporate the Quebec  
Gas Company was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate  
The Quebec Gas Company."

Ordered, That Mr. Chabot do carry the Bill to the Legislative Council,  
and desire their concurrence.

L'Islet Regis-  
try Office Bill.

An engrossed Bill to provide for the removal  
of the Registry Office of the County of L'Islet from  
the place where it is now kept to the Parish of

L'Islet, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Fournier do carry the Bill to the Legislative Council,  
and desire their concurrence.

Kingston  
Water  
Works Bill.

An engrossed Bill to incorporate "The City of  
Kingston Water Works Company," was read the third  
time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Macdonald do carry the Bill to the Legis-  
lative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of Charles Robertson and others, of the Parish of St. Joseph, Pointe  
Lévy; praying that the said Parish may be erected into a separate Muni-  
cipality.

Of Jacob S. Shoemaker, Chairman, and Christian Enslin, Secretary, on  
behalf of a public meeting of the inhabitants of the Township of Waterloo;  
praying that no division may be made of the said Township.

Of John Haggert and others; praying that an inquiry be instituted  
into the dismissal of George H. Park, M.D., from the office of Medical  
Superintendent of the Temporary Lunatic Asylum at Toronto.

Of John Holmes and others, of Chinguacousey and its vicinity; pray-  
ing for the adoption of measures to obtain a repeal of the Imperial Act  
relating to the Clergy Reserves, and that the funds arising therefrom  
may be applied to purposes of general utility and the promotion of edu-  
cation.

Of John Mackenzie, Moderator, on behalf of the Ministers and Elders  
of the Presbytery of Glengarry; praying for the adoption of certain  
measures to prevent the violation of the Sabbath.

Of the Magistrates of the Eastern District, in Special Session  
assembled; praying for certain amendments to the Division Courts Law.

Of the Bank of Upper Canada; praying that certain proposed Resolu-  
tions for the issue of Government Debentures may not pass, or that should  
it be deemed necessary to pass the same, the Bank Tax Act may be repealed.

Of Frederick J. Cheshire, of the Township of Tuscarora, District of Gore; praying that the said Township may not be detached from the District of Gore, to form part of a new District, as petitioned for.

Of James Burns, Esquire, M.D. and others, of the Village and vicinity of Stratford; praying for the indemnification of the Rebellion Losses of Lower Canada, as proposed by certain Resolutions.

Of the Reverend C.L. Vinet and others, of the Parish of St. Constant, District of Montreal; praying for the adoption of certain measures for the promotion of Temperance.

Of Abishai Morse and others, of the District of Niagara; praying that certain Townships in the said District be set apart as a new District or County, to be called "Elgin," and that the District Town of the said District of Niagara be not removed until such division be made.

Of Dennis Woolverton and others, of Grimsby and other Townships; praying for the passing of an Act to incorporate a Company for the erection of a Suspension Bridge over the River Niagara, at Queenston.

Of the Reverend Pierre Bedard and others, of the Parish of St. Rémi, District of Montreal; praying for the prohibition of the sale or importation of Spirituous Liquors by tavern keepers or merchants, and for the abolition of Distilleries and Breweries.

Petition of  
J. Curtain  
and others;

Ordered, That the Petition of John Curtain and others, Stevedores at the Port of Quebec, be referred to the Select Committee to which is referred the Bill to regulate the trade of

Stevedore at the Port of Quebec.

Of the Municipal Council,  
Ottawa District;

Ordered, That the Petition of the Municipal Council of the District of Ottawa, be referred to the Standing Committee on Railroad and Telegraph Line Bills.

Of H. Groves  
and others;

Ordered, That the Petition of Henry Groves and others, Officers and Members of Fire Companies in the Province of Canada, and the Petition of John Perrigo and others, the Officers and Members of Fire Companies in Canada, be referred to the Select Committee to which is referred the Petition of George S. Wilkes and others,

Officers and Members of the Brantford Hook and Ladder Company Number One.

Third Report  
of Committee on  
Miscellaneous  
Private Bills.

Mr. Sherwood, of Brockville, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and have agreed to certain amendments to each of the said Bills respectively, which they recommend for the adoption of Your Honorable House, viz:--

Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company.

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Bill to incorporate "The Mount Hermon Cemetery."



They have also examined the following Bills, and agreed to report the same without amendment, viz.:

Bill to incorporate the Provincial Mutual and General Insurance Company.

Bill to incorporate "The Sault Sainte Marie Mining Company."

Bill to incorporate the Huron Copper Bay Company.

On motion of Mr. Morrison, seconded by the Honorable Mr. Price,

Mutual and  
General In-  
surance Bill.

Ordered, That the Bill to incorporate the Provincial Mutual and General Insurance Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

On motion of Mr. Wilson, seconded by the Honorable Mr. Robinson,

Sault Ste.  
Marie Mining  
Company Bill.

Ordered, That the Bill to incorporate "The Sault Sainte Marie Mining Company," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

On motion of Mr. Holmes, seconded by Mr. Macdonald, of Glengarry,

Montreal New  
City Gas Com-  
pany Bill.

Ordered, That the Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

On motion of Mr. Chauveau, seconded by Mr. Lemieux,

Mount Hermon  
Cemetery Bill.

Ordered, That the Bill to incorporate "The Mount Hermon Cemetery," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

Fourth Report  
of Committee  
on Contingencies.

Mr. DeWitt, from the Standing Committee on Contingencies, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

The Clerk of Your Honorable House having reported to Your Committee, that the balance remaining in his hands at the date of the last audit, 1st January, 1849, together with the sum of Five thousand pounds since granted, by Address to His Excellency the Governor General, and the sum of Four hundred and sixty pounds received as fees on Private Bills, are nearly expended; Your Committee, therefore, beg leave to recommend a further advance in favor of the Clerk, of Five thousand pounds.

On motion of Mr. DeWitt, seconded by Mr. Christie,

Contingencies  
of the House.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five thousand pounds, currency, towards defraying the Contin-

gencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Second Report  
of Committee  
on Railroad  
and Telegraph  
Line Bills.

Sir Allan N. MacNab, from the Standing Committee on Railroad and Telegraph Line Bills, presented to the House the Second Report of the said Committee; which was read.

Appendix  
(Q.Q.Q.)

For the said Report, see Appendix (Q.Q.Q.)

Ordered, That the said Report, together with the Evidence and Documents thereunto appended, be printed for the use of the Members of this House.

Niagara and  
Detroit Rivers  
Railroad Bill.

Ordered, That Mr. M'Farland have leave to bring in a Bill to incorporate certain persons under the style and title of the Niagara and Detroit Rivers Railroad Company.

Third Report  
of Committee  
on Railroad  
and Telegraph  
Line Bills.

Sir Allan N. MacNab, from the Standing Committee on Railroad and Telegraph Line Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the provisions of the Bill to incorporate the Montreal and Troy Telegraph Company, referred to them, and have agreed to report the same with an amendment, which they respectfully submit for the adoption of Your Honorable House.

On motion of Mr. Holmes, seconded by Mr. Macdonald, of Glengarry,

Montreal and  
Troy Tele-  
graph Bill.

Ordered, That the Bill to incorporate the Montreal and Troy Telegraph Company, as reported from the Standing Committee on Railroad and Telegraph Line Bills, be committed to a Committee of the

whole House, for to-morrow.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Cayuga Town-  
ship Division  
Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to divide the Township of Cayuga, in the District of Niagara, into two Townships,"

without any amendment.

And then he withdrew.

Report on  
Petition of  
J.O. Alfred Tur-  
geon and others.

Mr. Holmes, from the Select Committee to which was referred the Petition of J.O. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne, and other references,

presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee having first taken up the Petitions from the County of Terrebonne,--of New Glasgow,--of the City of Montreal,--and of Ste. Anne des Plaines, proceeded to examine into and consider what were the advantages which would accrue to the public by recommending a compliance with the prayer of said Petitioners to have the Papineau Road opened from its present terminus to the River at Sault au Recollet; and in connection therewith Your Committee considered the Petition of B.H. LeMoine and A.M. Delisle, Esquires, supporting the prayer of the aforesaid Petitioners, and offering upon certain conditions, to advance the funds requisite to enable the Trustees of the Montreal Turnpike Roads, on being authorized to do so, to open and complete the said Road, and levy Tolls thereon.

In pursuance of their instructions, Your Committee have also considered, in connection with the several Petitions above referred to, that of the St. Michel Road Company, (a chartered body) praying that in the event of Your Honorable House assenting to the prayer of the said several Petitioners, the outlay, say Two thousand pounds, of the St. Michel Road also be assumed by and placed under the management of the Montreal Turnpike Trust; and they append to this Report a communication received by them from the said Company, offering to give up the Road upon these terms.

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Although Your Committee are impressed with the opinion that it would in some points of view be desirable that the Papineau Road should be continued from its present terminus, and opened, at its present width, to the River, in conformity with the prayer of the Petitioners, they consider that no increase of travel will thereby be induced, while nearly all the Tolls anticipated to be collected on the said new Road would, to an equal extent, cause a diminution of revenue on the Roads now in existence, of which there are two leading from the City to the River.

Your Committee have ascertained that the Turnpike Trust of Montreal for the formation of the several Roads in the vicinity of and leading to the City, have incurred a debt of Fifty thousand pounds, by the issue of Debentures bearing interest at six per cent, which interest is guaranteed by the Province; and Your Committee are of opinion that unless it can be clearly shewn that a commensurate increase of revenue is to be secured from Tolls, it would be unwise and inexpedient to open other lines of communication, or incur liabilities which might lessen the security of the present Bond Holders.

Your Committee have, however, ascertained that, with a view to facilitating the collection of Tolls, and also as an accommodation to the public along the St. Michel Road, an agreement exists between that Company and the Road Trustees, whereby the latter award Two hundred and forty pounds per annum to the former, as a fair proportion of the Tolls levied at the gate entering upon the line of Road to St. Michel, and that no other Toll is levied.

Your Committee have also ascertained that the St. Michel Road is already turnpiked to within the distance of about three miles of the River at Sault au Recollet; and further, that the completion of this line



of Road would be productive of all the advantages contemplated by the opening of the Papineau Road to the same point, while it would involve considerably less expense.

Wherefore, Your Committee, taking into consideration the saving to the Montreal Turnpike Trust which would accrue from the purchase of the St. Michel Company's privileges for Two thousand pounds, when compared with the present arrangement, and the securing not only to the Petitioners, B.H. LeMoine and A.M. Delisle, all the advantages which they set forth in their Petition, but also to the persons residing on the St. Michel Road and the inhabitants of Terrebonne and Ste. Anne, a more direct and shorter communication with the City, deem it advisable to authorize the Turnpike Trustees to purchase out, as proposed, the present St. Michel Road Company, and to complete the said Road from the point to which it is now macadamized to the Church at Sault au Recollet, whenever in their judgment such should be necessary and advantageous to the public; and on condition that the requisite funds for the so doing should be loaned to them by the Petitioners at a rate of interest not exceeding six per cent per annum.

Ordered, That the said Report, together with the documents thereunto appended, be printed for the use of the Members of this House.

Public  
Accounts  
for 1848.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, by command of His Excellency the Governor General, The Public Accounts of the Province of Canada, for the year 1848.

Appendix (A.)

For the said Accounts, see Appendix (A.)

Ordered, That the said Accounts be printed for the use of the Members of this House.

SIR A. MACNAB<sup>1</sup> requested to know, if the information the house had ordered a few days ago, relative to the Township Seignories and Parishes in each electoral division, had been laid before the house.<sup>2</sup>

MR. COM. CR. LANDS PRICE never heard of the order, if he had, he would have caused the information to have been laid upon the table without delay.<sup>3</sup>

MR. AT. GEN. BALDWIN said, that the Clerk of the house said, he had sent him (Mr. B.) a copy of the order, if such was the case, he (Mr. B.) supposed it to be a notice and had paid no attention to it.<sup>4</sup>

MR. H. SHERWOOD (Toronto) suggested the postponement of the discussion of this question, because a list of the Seignories, Townships and other divisions comprising the several electoral divisions of this Province as now constituted, moved for on a previous night by Sir Allan McNab, had, through some mistake, not been laid before the House.--<sup>5</sup> ((He)) did not blame any person for having neglected to furnish the information, but he asked whether the ministry intended to force the measure through before the information was given to them.<sup>6</sup> He considered that this information was necessary, before they could properly discuss the principle of this bill.<sup>7</sup>

MR. AT. GEN. LAFONTAINE said, that he would not have pressed the bill

until the information had been given, if it could have been of any use in discussing the principles of the bill. The information would only be useful<sup>8</sup> on the second reading,<sup>9</sup> when<sup>10</sup> the House went into committee on the details of the measure<sup>11</sup> and it would be laid on the table before that time.<sup>12</sup> He should, therefore, oppose the delay.<sup>13</sup>

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Representa-  
tion Bill.

*The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Attorney General Baldwin, and the Question being proposed, That the Order of the day for resuming the adjourned Debate upon the Question proposed yesterday, That the Bill to enlarge the Representation of the People of this Province in Parliament be now read a second time, be now read;*

MR. H. SHERWOOD (Toronto) was not at all surprised at the answer of the hon. Attorney General, as it was perfectly consistent with the course that had been pursued by him throughout the whole session towards, hon. gentlemen on his side of the House. But it was not for another person to tell him what information was necessary for him to form his opinion on this question.<sup>14</sup> He was the best judge of the information he required.<sup>15</sup> This question involved two great principles—one the increase of the representation of the Province, and the other the apportionment of that increase—and yet the hon. gentleman said that the information he desired was not necessary for him to discuss the principle of the bill. Well, he took it very kind of him to point out what information was necessary for him to form his opinions, but if the hon. gentleman opposite would not consent to the postponement of this question, he would put it to the vote of the House, and then see whether they were going to compell him to vote for the second reading of this bill, when he only desired to see certain information that had been asked for by the House laid on the table.<sup>16</sup> If the ministry hurried the measure through before laying the information required on the table, they would just be doing in this case what they have done since the commencement of the session in every other case.<sup>17</sup>

MR. INSP. GEN. HINCKS said, the hon. member for Toronto has expressed no astonishment at the answer of the hon. member for Montreal, because any other would have been inconsistent with the course he had pursued since the commencement of the Session. Now, he would say, if the hon. gentleman had taken any other course it would have been inconsistent with the course that he (Mr. H.) had pursued, by obstructing and throwing every obstacle in the way of the Government. He (Mr. H.) wished the House to say whether the hon. member had given sufficient reason for the delay that he required. Now, there was already before the House, information to show the population of every county—certainly that information was not exactly in the shape in which the hon. gentleman desired it, as he required a statement of the population of the different electoral divisions, which would be quite sufficient to enable him to come to a decision.<sup>18</sup> There was nothing in the information asked for, which could afford any member any assistance in forming his judgment<sup>19</sup>. There was nothing whatever to prevent the hon. gentleman or the House from coming to a vote on the principle of the bill. The principle involved was, should the representation

of the Province be increased to a certain extent, and the information which the hon. gentleman required referred entirely to details, and could be discussed when the House went into Committee. The hon. gentleman, however, said, that this information was important; now if the hon. gentleman thought that this information was of so much importance, why did he allow so much of the session to elapse without applying for it? Or why did not the hon. member for Hamilton move for it at an early day instead of allowing nearly two months of the session to elapse, and only moving for it then on the day fixed for the reading of the bill a second time.<sup>20</sup> He ... saw no necessity for to delay the second reading of the bill.<sup>21</sup>

SIR A. MACNAB was surprised at the hon. member; a question of such importance as this should be debated in the House in a temperate quiet manner. They should endeavour to get the merriits (sic) of the question and understand it thoroughly, but the discussion had scarcely commenced when the Inspector General jumped up in his place and made a violent attack upon<sup>22</sup> the members of his (Sir A.) side of the House as usual. The hon. members opposite seemed to think that the information he had asked for was of no use, the house thought otherwise, or it would not have ordered the information to be laid before them<sup>23</sup>. The hon. member said it was the first time information had been asked for in the manner in which he (Sir A.) had thought proper to ask for it, and in which the House had joined in asking for it. The hon. Inspector General should understand that it was not customary for the House to ask for every information by means of an address to His Excellency the Governor General. There was certain information which could be much more conveniently obtained from the Heads of Departments, by an order of the House. He (Sir A.) had always understood that before the House was called upon to dispose of any sum out of consolidated revenue of this Province, a written Message should come down from His Excellency, but the hon. gentleman opposite chose to say we will follow British practice, and the Inspector General brought down a verbal message, but when notice were (sic) taken that bills were advanced on stages the same day, contrary to the practice of the House of Commons, the gentlemen opposite would have Canadian Practice. What rule of Practice was the House to pursue, to suit the fancy of the gentlemen opposite? The information asked for was very slight, but it was necessary they should have it laid on the table, before they were ready to meet the question<sup>24</sup> and he thought ... ((it)) necessary for him to discuss the bill properly.<sup>25</sup> Perhaps the hon. gentlemen opposite, intended to force the ministry into the discussion, without information, as they did on the rebellion losses?--(Hear, hear.)<sup>26</sup> And then it would probably be given in a shape that would be of no use.<sup>27</sup>-- And what kind of information had the Inspector General sent down on the subject of the rebellion losses? A list of names of individuals who were paid<sup>28</sup> without stating for what they had been paid<sup>29</sup>. He (Sir A.) was prepared to state in his place that the information given by the Government and sent forth to the country with regard to the payment of rebels in Upper Canada, was incorrect (hear, hear,) in the speech made by the hon. Inspector General.<sup>30</sup>

MR. INSP. GEN. HINCKS rose to order; he wanted to know what the ques-



tion before the chair had to do with the payment of the rebellion losses.<sup>31</sup>

MR. MORIN, the SPEAKER did not believe it was the question.<sup>32</sup>

SIR A. MACNAB. It certainly was not the question before the chair; but he only wanted to show how they got information from the Government. (Loud cries of order and chair.) The hon. Inspector General, speaking of that information, said that--<sup>33</sup>

MR. INSP. GEN. HINCKS again rose to order.<sup>34</sup>

MR. MORIN, the SPEAKER did not think it was in order to take occasion from one communication from the Government, to refer to another communication.<sup>35</sup>

SIR A. MACNAB was merely going to show that the Government had trifled with the House, and had he not the right to read a speech of the Inspector General to show that he was incorrect in what he stated about the rebellion losses.--True his (Sir Allan's) friends were in small minority in this branch of the Legislature; but that was all the more reason why the Government should readily grant the information which the minority asked for, to enable them to make up their minds upon any question with regard to the payment of these rebellion losses--he thought it right that it should go to the country. (Order, order, order,)<sup>36</sup>

MR. MORIN, the SPEAKER said the hon. member had certainly a right to speak of the mode in which the Government furnished information to the House; but he was not in order in reading the speech of the hon. member for Oxford.<sup>37</sup>

SIR A. MACNAB was only going to state that the hon. Inspector General said, in his place in the House. (Order, order.) How did hon. members know what he was going to say? It was too bad to knock a man down before he was up. (Laughter.) He was going to say that a person of the name of Lieutenant General Duncomb was referred to by the hon. Inspector General--<sup>38</sup>

A member, he did not do so.<sup>39</sup>

SIR A. MACNAB. Was there anything wrong with that? He (Sir Allan) only desired to show that the information given to the House was incorrect. The hon. Inspector General said--<sup>40</sup>

MR. INSP. GEN. HINCKS. What did I say?<sup>41</sup>

MR. J.S. MACDONALD (Glengarry) again rose to order.<sup>42</sup>

SIR A. MACNAB was only going on to show how necessary it was to have this information before proceeding to the discussion of the question, because they had already had information from the government, that was not in accordance with what was stated by the Inspector General in his place. The hon. Inspector General had stated, and he would use his words, that a certain "Lieut. General Duncombe of the rebel forces who had been obliged to fly the country, had on his return made a claim of £500." (Hear, hear.) Sir Allan was continuing to read from the speech<sup>43</sup>.

MR. MORRISON rose to order. The hon. Inspector General had stated

the other day that he had never said any such thing. (Hear, hear.)<sup>44</sup>

SIR A. MACNAB would like to know whether it had been contradicted in the public papers--in the Pilot newspaper? It had been published throughout the country by the Pilot that the Inspector General stated that Lieut. General Duncombe who had fled the country, on his return received £500. Now he (Sir Allan) had brought the matter up now to have it contradicted.<sup>45</sup>

MR. INSP. GEN. HINCKS would tell the hon. member what he did say, he had something else to do than to spend his time writing corrections for the public newspapers, but he had said that a Mr. Malcolm, who was acting as Lieut. General under Duncombe and for whom a reward of £200 was offered had been paid, and the Reporter mixing all these things together said that Gen. Duncombe had been paid £500 out of the Rebellion Losses.<sup>46</sup>

SIR A. MACNAB would just refer to the list of the names of them who had received pay. There was Charles Endie, (as we understood the gallant Knight) who was well known: he claimed £100 and got nothing. (Hear.) Now as far as his (Sir Allan's) recollection served him--<sup>47</sup>

Loud cries of Chair and order.<sup>48</sup>

MR. MORIN, the Speaker said the hon. member certainly was not in order.<sup>49</sup>

SIR A. MACNAB ((proceeded)) to make remarks on the speech of the Inspector General, in moving for the report of the Commissioners appointed to enquire into the Rebellion losses in the county of Oxford<sup>50</sup>.

He was interrupted by loud cries of order, stick to the question before the chair.<sup>51</sup>

MR. MORIN, the SPEAKER requested the hon. member to confine himself as much as possible.<sup>52</sup>

SIR A. MACNAB would not then say anything more on the subject, but he thought it an important fact to go to the country, that the people might understand the course pursued by the opposition.<sup>53</sup> How the ministers trifled with the House--how they got information from the Government--<sup>54</sup> He would say that the statements made here with regard to these commissioners were not substantially true, he said individuals<sup>55</sup> in the county of Oxford<sup>56</sup> had been paid.<sup>57</sup> The hon. member was about to read from a newspaper, when he was interrupted by cries of order and chair.<sup>58</sup>

MR. PRES. EX. COUN. MERRITT interrupted the hon. member, he was again out of order.<sup>59</sup>

MR. INSP. GEN. HINCKS rose to order. The hon. gentleman was speaking of things foreign to the question.<sup>60</sup>

MR. MORIN, The SPEAKER thought the hon. member had no right to read from a newspaper, to show what an hon. member had said on a former occasion.<sup>61</sup>

SIR A. MACNAB bowed to the decision of the chair, and<sup>62</sup> would not then make any further attempt to correct the misrepresentations as he had no desire to infringe the rules of the house; he had endeavoured to cor-

rect the misstatement so boldly made by the hon. gentlemen opposite, but as he was not in order, he would take another and an early opportunity of doing it. Sir Allan then stated that he should support the application of the hon. member for Toronto for delay until the information he (Sir A.) had called for was laid before the House as he considered that the Ministry had a right to obtain that information before they were called upon to vote on a measure of this importance to the Province.<sup>63</sup>

((There was)) a little further discussion.<sup>64</sup>

(171)

*The Honorable Mr. Sherwood moved in amendment to the Question, seconded by Mr. Boulton, of Toronto, That the words "now read" at the end of the Question be left out, and the words "postponed till the Order of this House, of the sixteenth instant, relative to certain information in reference to the subject matter of the said Bill be complied with, by the laying of the same upon the Table of the House by the Head of the Department of the Government whose duty it is so to do," added instead thereof;*

MR. H. SHERWOOD ... took the opportunity of stating that he was present in his place in the House when the hon. member for Oxford rose and corrected the mistake with regard to Lieut. Gen. Duncombe.<sup>65</sup>

MR. AT. GEN. LAFONTAINE said the information which the hon. member for Hamilton asked for, was all to be found in the statute book of Lower Canada.<sup>66</sup> It could afford them no assistance in discussing the principles of the bill<sup>67</sup>.

SIR A. MACNAB believed the information might be in several books; but the house desired to have this information in a certain form, and he wished it to send about the country, like acts of Parliament.<sup>68</sup>

MR. AT. GEN. BALDWIN said if anything could induce him to accord the request made from the other side, it was the manner in which it was made by the hon. member for Toronto, so different from that of the hon. member for Hamilton. But this information if it were felt to be so important should have been called for the day before, when the order of the day was made, because then it might have been prepared for to-day. It was true that gentlemen might adopt the course of attempting to embarrass the public business by continued and useless debate. If that were done the only course would be to let the gentlemen have the debate to themselves and sit till it was over. The order of the House did not impose the duty of giving this information to the house, upon any department of the Government. The clerk said he communicated the order to him; but if so he had not seen it.<sup>69</sup>

MR. H. SHERWOOD said that might be, but that side of the House ought not to be prejudiced by any neglect of the Clerk or of the hon. Attorney General. He was surprised to hear the remark of the hon. Attorney General, that the ministers should sit still and give no explanation, because they might please to consider the opposition given to the measure, as a factious opposition. That was the course adopted to gag an opposition, because if nothing was said by members on the ministerial side it



was probable their opponents would run out.<sup>70</sup>

MR. CAMERON thought the only question now before the House was whether the representation should be increased. The information now sought for could only be useful in discussing the details.<sup>71</sup>

(171)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Brooks, Cayley, Christie, Crysler, Egan, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, Papineau, Sherwood of BROCKVILLE, and Sherwood of TORONTO.-- (15.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Polette, Price, Richards, Sauvageau, Smith of DURHAM, Taché, Thompson, Viger, Watts, and Wetenhall.-- (43.)

So it passed in the Negative.

And the Question being again proposed, That the Order of the day for resuming the adjourned Debate upon the Question proposed yesterday, That the Bill to enlarge the Representation of the People of this Province in Parliament be now read a second time, be now read;

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, That the further consideration of the Question be postponed till the second Tuesday of the First Session of the next Parliament;

Laughter.<sup>72</sup>

(171)

And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton of TORONTO, Brooks, Cayley, Christie, Crysler, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, Papineau, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Wilson.-- (15.)

NAYS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Egan, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Macdonald of GLENGARRY, Marquis, M'Farland,

Merritt, Méthot, Mongenais, Morrison, Nelson, Polette, Price, Richards, Sauvageau, Smith of DURHAM, Taché, Thompson, Viger, Watts, and Wetenhall.  
--(44.)

*So it passed in the Negative.*  
*Then the main Question being put;*

*Ordered, That the Order of the day for resuming the adjourned Debate upon the Question proposed yesterday, That the Bill to enlarge the Representation of the People of this Province in Parliament be now read a second time, be now read.*

*And the Order of the day being read;*

(172)

*And the Question being again proposed:--The House resumed the said adjourned Debate.*

*Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That the word "now" be left out, and the words "this day nine months, in order to afford an opportunity for taking an accurate Census of the People of Lower Canada," added at the end thereof.*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Brooks, Cayley, Christie, Crysler, Gagy, Hall, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, Papineau, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Wilson.--(16.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of NORFOLK, Bouthillier, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Dumas, Egan, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hincks, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Marquis, Merritt, Méthot, Mongenais, Morrison, Nelson, Polette, Price, Thompson, Viger, and Wetenhall.--(35.)*

*So it passed in the Negative.*

MR. J.A. MACDONALD (Kingston) said that he believed by law the Bill was now lost<sup>73</sup> for the Session. A measure to increase the number of the representatives could not be adopted unless it was concurred in by 56 members, and a motion that the bill be read that day nine months was equivalent to a direct negation, and if it was then defeated by two-thirds of the house, he considered the bill to be lost. (Laughter and cheers.)<sup>74</sup> He supposed the bill would drop.<sup>75</sup>

MR. CHAUEAU thought the hon. members who were opposed to the bill passing now, were in favour of the principle of the bill, but were desirous of getting a census taken first, for the purpose of apportioning the Representation equitably, and he was doubtful, for a moment or two, whether he should vote for the amendments or not, but the remarks of the hon. members had convinced him that they were opposed to the bill alto-

gether, and that they had only introduced the sentence about the census for the purpose of trying to get some of the French Canadian members to vote with them.<sup>76</sup>

MR. MORIN, the SPEAKER, in answer to Mr. McDonald, said he had no hesitation in saying that the bill was not lost, because it might pass that house with a smaller majority than two-thirds; but the other branch of the Legislature--His Excellency--could not sanction the bill unless it had been concurred in by two-thirds of the members of each of the two houses.<sup>77</sup>

MR. AT. GEN. LAFONTAINE then rose and addressed the house in English to nearly the same effect as he spoke the previous evening in French, and we, therefore, abridge several portions of the hon. members's speech. After speaking of the opinions which many members had expressed since the time of the Union, about the representation being limited, and that it was for the interest of both the Government and the people that it should be increased, the hon. member went on to say that, at the time of the constitution in Lower Canada, the house of Assembly consisted of 88 members; and if he was not mistaken, the number of representatives for Upper Canada, at the time of the last general election which took place, was sixty-two. The eighty-eight members in the Lower, and the sixty-two in the Upper, Provinces, together made 150 members, which was just the number of members to which he now intended to increase the representation.--When they came to the details of the Bill, it would be found that it re-established the divisions created by the Act of 1829, but with respect to one or two small counties. The hon. member then referred to the articles which had appeared in the newspapers upon the Bill, and expressed his willingness to adopt the suggestion made about dividing the County of L'Acadie, and about detaching Hemmingford from Beauharnois; another suggestion, about detaching the upper part of Rouville and adding it to Missisquoi, so as to give Missisquoi two members--but although this was done, Rouville would still be entitled to two members, and this would disturb the number proposed to be given to each section. He thought that by the Bill, the English population would have a fair share in the representation. Some of the members were probably in favour of their counties remaining as they were at present, and, it was likely that the bill would be lost, but it would not be his fault; he did not wish to see any portion of the population ill-used, and he thought he had done justice to all sections of the country in the bill, which he thought it was his duty to bring forward as a measure which would prove highly advantageous to the country. In concluding, the hon. member referred to the remark of the member for St. Maurice as to the bill not coming into force until the end of this Parliament; and<sup>78</sup> his discontent with the ministry for not bringing about a dissolution, in order that they might go before their constituents once more, and when he attributed to them the love of place and salary, because they did not do so, the hon. gentleman must have forgotten that the Act of 1829 contained a clause purporting that it should come into operation the next Parliament. He must have forgotten, that when it passed<sup>79</sup> there was no objection to the provision by the hon. member, who was then Speaker of the house, and had a salary of £1000 a year<sup>80</sup>. (Hear, hear.)<sup>81</sup> And there was a similar provision in an Act passed in Upper Canada in 1820.<sup>82</sup> Nevertheless, the hon. gentleman



and the other members of the Assembly, he had no doubt were influenced by high and patriotic motives, and if so it was but fair that he should suppose he (Mr. Lafontaine) and his hon. friends were actuated by similar motives.<sup>83</sup>

M. PAPINEAU. Je ne vois pas la portée de la sortie de l'hon. membre qui vient de s'asseoir (Mr. Lafontaine.) Il dit que la clause, qui se trouve dans le bill actuel, et dont on se plaint, était dans le bill de 1829, et qu'ainsi personne ne doit y trouver à redire. Qui a dit qu'il avait insérée cette clause du bill de 1829, dans le bill qu'il nous présente aujourd'hui?<sup>84</sup>

MR. AT. GEN. LAFONTAINE. L'hon. membre lui-même l'a dit.<sup>85</sup>

M. PAPINEAU. L'hon. membre n'a rien dit de semblable. L'argument de l'hon. membre était que, puisqu'on ne voulait pas que la dissolution suivit cet acte, il n'était pas indispensable de l'adopter dans cette session; que les moyens insuffisants que nous avions de connaître le chiffre véritable de la population étaient une raison suffisante de remettre ce bill à une autre session. J'ai aussi dit que le principe de ce bill était humiliant pour le Bas-Canada et que c'était pour cela, que je croyais devoir m'y opposer; que s'il était remis à une autre session, j'aurais plus de moyens de faire voir la justice de mon opposition à ce bill, en faisant voir toute la fausseté des calculs sur lesquels il est fondé, que je ne doutais pas, que le recensement s'il était accordé, nous donnerait une augmentation de population de 150 mille âmes au lieu de 75 milles depuis le dernier recensement, et que dès lors l'injustice était plus flagrante. J'ai dit qu'il n'y avait pas de probabilité que les hon. membres perdissent le pouvoir. Je ne voyais rien chez eux, qui eût l'air de vouloir une dissolution du parlement. Ils répètent sans cesse que je veux les déplacer, mais j'ai toujours dit, que leur situation, qu'elle leur fut agréable ou non, ils ne pouvaient pas s'en retirer. Ils ont fait leur situation, ils l'ont choisie, ils ont accepté le pouvoir sans faire connaître leur programme, ils ne peuvent pas abandonner le pouvoir tant que la Chambre voudra les y tenir. Ils sont rentrés dans la Chambre, quand le pays voulait la représentation basée sur la population. C'est sous ces auspices qu'ils ont été élus, et c'est sous un autre drapeau, qu'ils introduisent ici leur bill de représentation.

Les hon. members ne sont pas prêts à se démettre des avantages de leur position, et quelques soient les erreurs que je puis reprocher au ministère, je ne crois pas qu'il puisse perdre le pouvoir durant le présent parlement.

L'hon. procureur-général nous dit que je n'ai pas combattu le bill de 1829. Tous à ce propos ... dans les répétitions les plus inconsidérées. L'hon. membre pour le comté de St. Maurice ... objecte au bill de 1829. Mais l'hon. membre, dont la voix ne comptait que pour une ne faisait pas la majorité. Il a été appuyé dans tout ce qu'il a fait par une majorité, dont l'hon. membre faisait partie. Je ne connais pas une seule mesure, que j'aie proposée et dans laquelle je n'ai été appuyé par l'hon. procureur-général; je ne connais pas une assemblée publique où l'hon. membre ne soit venu à ma suite, et dont il n'ait hautement appuyé mes procédés. L'hon. membre ne peut pas vouloir s'avilir,

s'abaisser au point de dire qu'il crampait alors, qu'il était sous la fascination d'un homme, qui n'avait aucune autorité sur lui; il n'y avait rien alors que la similitude de pensées entre nous.

L'hon. membre me reproche de n'avoir jamais rien proposé, mais le fait seul que j'ai été pendant vingt une ans orateur de la Chambre, ce qui m'empêchait de pouvoir présenter aucun bill, et de pouvoir prendre aucune part à la législature, ce seul fait ne dit-il pas qu'il faut n'avoir que de bien faibles raisons pour m'en opposer d'aussi puériles? On voudrait aussi me dépouiller du peu de mérite que j'ai pu avoir dans le passé. Si les événements eussent eu d'autres résultats, on aurait vu d'autres choses. Ces hommes, qui me blâment, seraient les premiers à me louer. Mais ces raisonnemens seraient aussi faux et les hommes aussi méprisables dans un cas comme dans l'autre.

Dans le moment actuel ce bill contient en principe l'abaissement, la dégradation d'une race par une autre race; l'exploitation d'une province par une autre. Il donne force à un acte, contre lequel les hon. membres ont protesté, étant hors de places, qu'ils font fonctionner aujourd'hui dans le but, dans lequel il a été institué. Je ne puis pas ne pas voir la contradiction manifeste qui règne entre la vie toute entière de l'hon. procureur général, et ses actes d'aujourd'hui. Je ne dis pas qu'il n'a pas raison d'avoir changé d'opinion; je dis seulement qu'il a changé d'opinion. Mais non, je le dis, il n'a pas raison d'avoir changé d'opinion; je dis qu'il a été autrefois plus clairvoyant sur les intérêts de son pays, permis à lui de croire le contraire. Son indépendance est à lui, comme la mienne est à moi; les suffrages seront comptés, et il pourra avoir le plaisir de nous voir dans la glorieuse minorité de trois. Je ne rougis pas de cette situation, je la crois honorable. Le temps est à nous et au pays; et je sais que si notre sentiment est fondé, s'il est vrai, il finira par triompher.

Quoique je désirerais une représentation nombreuse, parce que tout ce qui étend le pouvoir populaire a été le but des efforts de toute ma vie, je dis que quand je vois dans cette Chambre, composée comme elle l'est, qu'on répugne à ces principes, qu'on veut le pouvoir plus fort que jamais; je m'arrête devant ce bill, j'attends du bon sens de mes compatriotes, que justice sera faite de l'erreur du moment. Comme nous avons trois ans de parlement devant nous, il y a temps d'avoir pleine justice, si les hon. membres la veulent, par un recensement savant d'insister sur ce bill; ce qu'ils nous refusent (sic), en consacrant en principe, l'égalité de la représentation.

Je n'ai pas besoin de m'attacher beaucoup aux détails du bill. Je n'y trouverais que des éléments d'injustice, que des raisonnements causés sur le caprice de donner des représentants égaux à des localités différentes de population. Mais je n'ai pas besoin de rentrer dans les détails de ce bill. Si c'était une dernière session du parlement, j'hésiterais peut-être sur cette question de savoir, si je prêterais obéissance à l'injustice commise par l'Angleterre, si je lui aiderais à exercer cette injustice? Non, jamais je ne lui aiderai, et un bill comme celui-ci, je le crois, même dans une dernière session du parlement, je le repousserais. J'ai plus de raison aujourd'hui de le faire, parce que d'ici à ce temps un recensement ne peut pas nous être refusé. On se vouerait au mépris public, en refusant une demande si juste. J'ai pour moi l'opinion publique, qui en effet demandera si nous avons été envoyés ici

pour prêter force à l'acte d'Union, ou si, au contraire, nous n'y avons pas été envoyés pour opposer le fonctionnement de l'Union, qui, tous les jours, devient de plus en plus impraticable.

L'hon. procureur-général dit: mais avec des principes de justice aussi absolue, il ne fallait pas se faire élire. D'autres personnes ont été bien plus logiques; décidemment opposées au bill d'Union, elles disaient qu'il ne fallait pas aller aux élections. Et c'est le procureur général, l'aviseur-né et obligé de la couronne, le le (sic) gardien vigilant des privilèges de la chambre, qui vient nous dire qu'il y a du sens commun dans ce raisonnement. Est-ce-qu'il ne sait pas qu'il suffit à l'exécutif d'acheter trois ou quatre voix dans une comté et de les envoyer voter, pour faire l'élection.

Mes élections m'ont envoyé ici<sup>86</sup> not to make the Union Act work, but to demand its repeal<sup>87</sup> quand je demandais le repos. Il n'est pas un moment de ma vie publique, où je n'aie désiré jouir au plutôt des douceurs d'une vie privée, honnête, plutôt que de souffrir les tourments de la politique et la haine du pouvoir, qui s'élève contre tout homme indépendant dans une colonie. Ce n'est pas par désir que je suis ici. Je reconnais le droit du peuple d'imposer la charge de représentant à chacun des membres de la société; je reconnais le droit, mais je regarde la charge comme un fardeau, et je ne l'ai jamais regardée autrement. Je ne conçois pas qu'un honnête homme puisse l'envisager sous un autre point de vue. J'en porterai le poids résolu sur toute question, de donner mon opinion, et puisque mon vote compte pour un, que jamais il n'a compté pour plus, je le donnerai avec toute l'indépendance qu'on puisse attendre d'un représentant du peuple.

Je n'ai jamais demandé à un homme de partager mes opinions. Je n'ai jamais fait une proposition, avant d'être orateur, sans que j'ignorasse avant, si elle serait secondée ou non; et quand j'ai été orateur, je n'ai jamais eu d'autre influence, que celle de l'augmentation. Ce que j'ai pu faire de mal, c'est avec une majorité, que je l'ai fait, et ce n'est pas à ceux qui ont pris part à mes actes, qui ont fait partie de cette majorité, de vouloir aujourd'hui s'effacer; ce n'est pas à ceux de dire qu'alors ils étaient des reptiles, et qu'aujourd'hui il sont des aigles, qui nous guident vers le ciel, vers le bonheur! S'ils ont été si petits dans un temps, je ne comprends pas ce qui les fait si grands aujourd'hui!...<sup>88</sup>

M. LAURIN. Avant de donner mon vote sur cette mesure, je dois donner quelques explications.

J'ai toujours été d'opinion que le nombre des membres de cette Chambre n'était pas suffisant pour les besoins du pays. J'ai dit cela en plusieurs circonstances. Le pays a besoin d'une réforme électorale. Il est vrai que je ne m'accorde pas avec l'administration sur cette réforme électorale.

Comme je l'ai dit, je veux une réforme électorale en rapport avec les besoins du pays, une réforme électorale basée sur la population et telle que promise au peuple avant les élections. Je veux une réforme électorale, qui nous donne, comme nous y avons droit, parce que nous avons une plus forte population, plus de membres qu'au Haut-Canada. Cela devra forcer le Haut-Canada, qui nous tient à sa merci, à demander le rappel de l'Union. Si le Bas-Canada demandait le rappel, je crois qu'il ne



l'obtiendrait jamais, mais je crois aussi que, si on demandait constamment et unanimement une représentation basée sur la population, ce pourrait être un moyen de forcer le Haut-Canada à demander le rappel, et nous serions sûrs de l'obtenir.

Le bill actuel propose d'augmenter la représentation; je suis pour cette augmentation. Je sais qu'il y a des comtés dans le Bas-Canada qui ne sont pas représentés. Le comté de Dorchester, par exemple, n'est pas suffisamment représenté. Le représentant de ce comté ne peut suffire à tous ses besoins, répondre à toutes ses demandes. Nous l'avons vu présenter beaucoup de requêtes qui devront être renvoyées à des comités spéciaux. Ce comté était autrefois divisé en deux comtés et devrait l'être encore aujourd'hui.

Parceque nous ne pouvons pas obtenir la représentation telle que je la demande, telle que le peuple du Bas-Canada la demande, cela ne doit pas nous porter à refuser une augmentation quelconque, lorsqu'il est certain qu'il y a des comtés, qui ne sont pas représentés en chambre, dont la représentation ne suffit pas aux besoins. Je voterai donc pour le bill, après avoir fait mon possible pour obtenir ce que demande le pays, je crois devoir voter pour une simple augmentation de la représentation. Je me réserve néanmoins de voter contre quelques uns des détails du bill. Je crois que cent cinquante membres est un trop grand nombre pour les moyens du pays; ça serait augmenter les dépenses du pays, d'une manière considérable, et je crois qu'il n'est pas nécessaire qu'il ait un si grand nombre de représentants. Ces raisons me décident à voter pour le bill, sauf à moins à voter contre les détails, quand il viendra devant la chambre.<sup>89</sup>

DR. LATERRIERE. Je crois en peu de mots, devoir faire connaître mes sentiments sur cette question.<sup>90</sup> Depuis huit à dix mois que l'on fait de l'agitation, des calculs dans les gazettes, sur la nécessité d'augmenter la représentation des deux provinces, les uns d'après le chiffre de la population, les autres sur le principe équitable de la balance numérique en parlement, nous devons nous attendre que cette question se résoudrait par l'engagement, la bataille décisive qui vient de commencer ici se soir.

Il va se faire, comme à l'ordinaire, pour attaquer le (sic) bastille canadienne (l'Union des Canadas), une grande dépense d'ammunition en paroles, mais elles ne prévaudront pas plus ce soir, je pense, qu'elles n'ont prévalu hier au soir. De bonnes ou de fausses convictions sont depuis longtemps formées sur cette question, et ce n'est pas tout ce que l'on pourra dire ici ce soir, je crois, qui aura l'effet de les changer.

Je suis fâché de ne m'être pas trouvé ici hier au soir, car pour être consistant avec ce que j'ai dit ci-devant et ce que je maintiens contre l'Union, j'aurais enregistré ma voix, ma faible voix, au soutien des résolutions de l'hon. membre pour le comté de Québec. Ces résolutions sont vraies; ce qui l'était en 1841, l'est encore plus en 49.

Si quelque chose a changé, ce n'est pas l'Union, ce sont les hommes, voilà tout. Des Canadiens, entr'autres les représentants de Richelieu et de Verchères, à la force robuste (puisque ce mot est devenu parlementaire), au courage de l'abnégation dont ils ont fait preuve hier, voient dans notre présent état de chose, la prospérité présente, bien plus l'avenir prospère, incalculable du Canada.

C'est à tomber du haut mal! Je leur cède le pitoyable mérite d'avoir fait une semblable découverte dans le fonctionnement impossible de deux législations sous le même toit. Je leur cède le mérite de leurs robustes prévisions.

Comment? le Bas-Canada qui, avant l'Union, pouvait dépenser de 100 à £120,000 tous les ans du surplus de ses revenus bien administrés en faisant ouvrir de grandes communications, en faisant faire des travaux publics de la plus grande importance, lorsque toutes ces améliorations depuis 10 ans sont arrêtées; que réunis au Haut-Canada, nous nous trouvons devoir une dette de 4 à 5 millions; que pour faire face aux dépenses inévitables et toujours croissantes de notre gouvernement, nous sommes réduits à l'expédient des débentures, à des emprunts, et l'on nous dit que ce sont là des signes de notre prospérité (sic) présente et à venir! Mais, M. l'orateur, c'est à n'y plus tenir. Je sais qu'il y a des fous, des dupes, le patrimoine des uns et des autres devient toujours à la fin celui des gens d'esprit, d'accord; mais j'avoue que je ne puis pas taire de la part des hons. members que j'ai (sic) cités, qu'ils poussent l'extravagance de la prévision au-delà de toute idée.

Je proteste contre la possibilité de la réalisation d'un si bel avenir par la simple raison "dites-moi qui vous fréquentez et je dirai qui vous êtes." Canaux, revenus, belles chimères! Ce sont sur les canaux et leurs revenus que ces messieurs fondent la prospérité future du Bas-Canada. Mais ce ne seront que quelques individus à Montréal ou à Québec qui profiteront du transbordement des produits du Haut-Canada; la masse des habitants n'en retirera aucun avantage.

Moi, je soutiens la présente administration comme un pas-aller; la moins mauvaise qui puisse nous être imposée. Je tiens compte aux messieurs qui le composent de leur position extrêmement difficile. Ils n'ont trouvé que des coffres vides, des engagements et des dettes.

L'union n'est pas leur fait, mais leurs faits, c'est d'empêcher que l'union qui en d'autres mains nous faisait beaucoup de mal, nous fasse le moins de mal possible. Voilà ce qui rend l'union plus tolérable, voilà ce qui rend les gouvernements despotiques tolérables entre les mains d'hommes de bien.

Qu'arrivera-t-il, si le pouvoir leur échappait? Nous retomberions dans les serres de ces oiseaux malfaisants, de ces oiseaux qui pour le coup s'envoleraient avec le reste de nos dépouilles.<sup>91</sup> (Laughter.)<sup>92</sup>

Laissons maintenant ces oiseaux se chamailler, viser à leur proie, si vous voulez. L'habitude, l'instinct naturel des vautours l'emportera, ils finiront peut-être par s'entredévorer, ou encore mieux ces fiers oiseaux finiront par s'appriivoiser.

J'ai déjà déclaré que puisque nous devons rester unis, nous devons établir une balance numérique dans la représentation; c'est à quoi pourvoit cette mesure; nous n'avons besoin conséquemment que d'un estimé approximatif de la population. Un recensement serait nécessaire, si l'on voulait établir la représentation sur le nombre de la population, mais pour éviter les récriminations, soit d'une part ou d'une autre, c'est d'établir une balance égale dans la représentation; c'est le seul moyen de faire fonctionner l'Union tant bien que mal. Ainsi je voterai pour le principe incontestablement juste de cette mesure.<sup>93</sup>

DR. DAVIGNON had heard a good deal about protesting against the bill

of the Union. They had protested against it before, and he could not see that it could be of any use now. He supported the principles of the present bill.<sup>94</sup>

MR. ROBINSON, we were unable distinctly to hear; we understood him to say that he was pleased with the manner in which the hon. gentleman introduced the bill.<sup>95</sup> ((He)) did not think there was any necessity for an increase of the representation at this moment. There was a great deal more necessity for public quiet, and a rigid economy of the public monies. He was quite certain, that from one end of the Province to the other, the people would say that they did not require an increase of the numbers of their representatives at \$3 or \$8 a day<sup>96</sup> as it was last session.<sup>97</sup> He was quite confident that would be the general expression of public opinion, and he was quite certain that the public did not see the pressing necessity of increasing the expenditure of the Legislature. The charge at \$3 per day, for the increased number of representatives, would alone amount to £5,000 per year,<sup>98</sup> besides the expense of additional buildings<sup>99</sup> and he had no doubt that the aggregate amount of the increased expenditure, would not be less than £15,000 per annum, and in his opinion, that was a sum which they had not the power to apply to such a purpose. In his opinion, they should go on a few years longer, under the present system.<sup>100</sup> He and the other members on that side of the House had offered no opposition when bills of importance and benefit to the country were introduced<sup>101</sup>. If he thought that the increase would do any immediate good, he would certainly vote for the second reading, but on the contrary,<sup>102</sup> he was opposed to the whole principle of it; for that reason he should vote against the 2nd reading of the Bill, and should endeavour to prevent its going into Committee.<sup>103</sup>

MR. H. BOULTON (Norfolk) said that there could be no doubt, that the bill before the house, was a most important measure,<sup>104</sup> and one which the country looked for, to a certain extent. He would not say that when the bill went into Committee that he would vote for certain amendments.<sup>105</sup> Whilst he concurred entirely in the principle, he was opposed to many of its details.<sup>106</sup> He was not prepared to go the whole length of the proposed increase. He thought 120 sufficient for the representation of Canada for the next 20 years.<sup>107</sup> It happened fortunately for the prosperity of the country, that they then enjoyed the management of their own affairs, as much as if they were in reality and in law, perfectly independent. That being the case, hon. gentlemen ought to look to the natural resources of the country, and the character of our population. And looking at the subject in a broad light, he thought that the principle of the constitution of the country, and in fact every new country ought to be based to a considerable degree on the population, although he did not mean to say that was the only element; far from it,<sup>108</sup> he did not consider it a sound principle, in a new country like this, to base the representation entirely on the population--as there were settlements which ought to be represented, and which would soon be filled up.<sup>109</sup> It must be perfectly evident to every one that the Western part of the province was filling up rapidly, and was well calculated to contain a very large population. There was room beyond Hamilton for a population of three or four millions, and there could be very little reason to suppose



that its mild climate and fertile soil would long remain neglected. The county of Waterloo will contain, in ten years, 100,000 inhabitants, instead of 42,000. He did not think its representation should be fixed permanently at the same as a county with 20,000<sup>110</sup> as to make it, in two or three years, to increase to an inconvenient extent. The county of Middlesex ought to be represented by three or four members, and the county of Waterloo the same<sup>111</sup>. It was the same with Lower Canada.<sup>112</sup> In Lower Canada,<sup>113</sup> Drummond had but 20,000,<sup>114</sup> and would not probably have more in ten or fifteen years<sup>115</sup>. Huntingdon contained 10,000, and had one member<sup>116</sup>, while Beauharnois and other counties, in ten years, would have 100,000 each.<sup>117</sup> Dorchester would contain 70 or 80,000 in three or four years. Such as contain 20,000 should have two members, and those which contained 40,000 should have three members. He knew that Upper Canada, in twenty years, would contain a quarter, if not a third more than Lower Canada. The Western parts of Upper Canada increased the fastest; there was a natural tendency to go towards the west. The climate made a great difference and there were other facilities.<sup>118</sup> In New York, with 3,000,000, there were only 128 members. It would therefore, be inconvenient to fix the representation unalterably at 150, for probably even that number of representatives would be found sufficient, for the larger population, while the apportionment might require change. The hon. member for St. Maurice objected to the words "after the present parliament." For his own part, he thought they were of no consequence, for the house might be dissolved at the last gun fire, when the Governor General came down. So with the census<sup>119</sup>. A good deal had been said about a census; if the representation was to be founded on the pure principle of representation, that course would be necessary, but as it is not, they should not wait for that.<sup>120</sup> He did not, however, think the argument of the Att. Gen. East relating to the American senate was at all to the purpose. For the United States were independent members of a confederacy, and the object of the mode of representation adopted in the senate, was to give each state a vote on every measure--to represent the sovereignty of each. In Canada, on the contrary, there was no such distinction of interests.<sup>121</sup> What affected those of Hamilton, affected those down here.<sup>122</sup> Quebec and Toronto had common interests, and the head would not say to the hand, or the hand to the head, I have no need of thee. The distinction of French and English he could not endure<sup>123</sup> and he never wanted to hear within the walls of that Legislature, religion or origin made the subject of legislation.<sup>124</sup> All were British subjects, whatever was their origin. The population daily became more homogenous, and he was told that in one parish where there were two schools, the one that taught French had 100 scholars; the other one only ten or twelve. The reason was<sup>125</sup> not merely for accomplishments, or for literary benefits, but as a matter of business.<sup>126</sup> Those who understood English got situations sooner than those who did not.<sup>127</sup> It was idle to say that things would remain as they were.<sup>128</sup> The population of Canada was becoming more and more homogenous, and he trusted that although he, Mr. B., might not probably live to see it, yet he trusted his children would live to see the time when there would be no distinction in the legislature between members of French and English origin, but they would all meet within the walls of the common legislature, working for the good of

their common country. He would cheerfully vote for the second reading of the bill, which would be, he had no doubt, somewhat amended in committee<sup>129</sup> and he hoped that a bill would be brought out which would meet with general approbation.<sup>130</sup>

MR. J. SCOTT (Bytown) would make a few remarks on the second reading of the Bill. He had objections to some of its details, and he had almost made up his mind to go against the second reading<sup>131</sup> ((but)) would vote for ... reserving for himself the right of opposing the third reading, in case the measure was not altered in committee, so as to suit his views.<sup>132</sup> If he saw no better reason than at present for supporting it, he would vote against it--<sup>133</sup>

MR. CHRISTIE said--judgeships.<sup>134</sup>

MR. J. SCOTT. With regard to the allusion made to him by the hon. member charging him with being actuated by corrupt motives--<sup>135</sup>

MR. CHRISTIE interrupting, said that he had not mentioned the name of the hon. member.<sup>136</sup>

MR. J. SCOTT. Then he had made allusion to him.<sup>137</sup>

MR. CHRISTIE had said "judgeships", and if the hon. member thought the allusion would suit him, he might take it.<sup>138</sup>

MR. J. SCOTT disclaimed any corruption, and said that he should give his vote independently.<sup>139</sup>

MR. LYON concurred in the necessity of increasing the representation of the country, he felt that the country was not fairly represented, and that an increase in the representation would tend to the prevention of ministerial corruption<sup>140</sup> OR ministerial competition<sup>141</sup> and to the promotion of the independance (sic) of members<sup>142</sup>, and give members of the house more control over them<sup>143</sup> and ... place the ministers of the day in a far superior position to that it at present occupied. But whilst he was in favour of an increase in the representation, he conceived that that increase should be put on the fair and proper basis of population; they ought to take the population of United Canada, and base the population on that,<sup>144</sup> and not view it as Upper and Lower Canada, but consider it all as United Canada. Lower Canada might at present succeed in sending six or eight more members than Upper Canada; but he (Mr. L.)<sup>145</sup> did not dread the consequence. He was willing to rely on the integrity of the people of L.C. He had seen nothing that would lead him to doubt their sincerity or integrity of purpose, but the time would come<sup>146</sup> in three or four years, when Upper Canada would have such an increase of population as would place it in a position to demand an equal, if not a greater number of members than Lower Canada.<sup>147</sup> (Hear, hear.) This measure pretended to be based on population, but if population was to be taken as the basis of representation, how was it that counties were excluded from the measure,<sup>148</sup> the county of the Ottawa was to have only one<sup>149</sup>, and boroughs, such as the town of Sherbrooke and Cornwall were to be represented in the House? He conceived that the measure had not been founded on correct basis. Then how did that part of the country from which he (Mr. L.) came from stand in this measure. Out of 84 members,

that part of the country sent 6, and by this proposed measure the representative was to be increased three fourths and yet the representatives of the Ottawa District were not to be increased in proportion. He (Mr. L.) would never give his assent to a bill which would place the Ottawa District in an inferior position to that which it at present occupied, he should be ashamed to go before his constituency after voting for a measure, the effect of which would be to limit their influence in the Legislature. The Ottawa District in proportion to its population and extent, contributed more than any other District to the revenues of the Province.<sup>150</sup> It paid over £6000 to the Crown Lands Department; it paid over £30,000 a-year for duties on pork, besides its contributions to the general revenue otherwise. And it had progressed in a far greater degree than any other County in the Province; yet, in the face of those facts, its representation was not to be increased but<sup>151</sup> more limited ... than any other part of the country. With respect to the County of Ottawa, the inhabitants numbered more than 17000 inhabitants according to the statement before the House. But the Roman Catholics in that county alone outnumbered that number. The whole population must be more than 30,000 and yet the Representation in that country was to be increased in proportion to other parts of the country. He could not, on these grounds consent to the second reading of the bill as he felt sure from the majority in favour of the bill in its present form that he should be unable to obtain any sufficient alteration in committee. (Hear, hear.)<sup>152</sup>

MR. AT. GEN. BALDWIN did not<sup>153</sup> exactly<sup>154</sup> understand upon what principle the hon. member for Russell objected to the Bill. He did not object to the principle of the Bill, although he found fault with some of its details which he thought unfair to the portion of the country from which the hon. member came. This, however, was not the time to object to the details of the measure<sup>155</sup>. Had he been longer in Parliament, he would have known that the time to make amendments was when the bill was in Committee.<sup>156</sup>

Hear, hear from the opposition.<sup>157</sup>

MR. AT. GEN. BALDWIN ((continued:)) Hon. gentlemen opposite might smile: but he maintained that the objections which had been urged by the hon. member for Russell ought to have been reserved till the bill was in committee, and then when its details were understood, if they did not suit his views, he could then vote against the final passage of the Bill. It was necessary for the measure receiving the sanction of the crown that a majority of two thirds of the House should vote for the second reading. The hon. member for Russell was aware of this and he trusted he would support the second reading<sup>158</sup>. The objections of his hon. and learned friend were all matters of detail, which he might urge while the bill was passing through the Committee, and if the majority thought right, he might get them altered, and he was not able to do so; by voting against the third reading, he might give his objections the same force. While, by his present course, he deprived the country of a measure, the principle of which he said he approved. He (Mr. B.) might be willing to support some of the amendments of his hon. and learned friend.<sup>159</sup> The hon. member had also found fault with the measure because



some of the smaller constituencies had not been disfranchised, but whatever objection he had to the measure now, if he voted against it at its present stage he might be the means of keeping back from the country, a measure calculated to do much good. With respect to the disfranchisement of constituencies, he did not think the mere act of dividing counties by taking a portion of one constituency from one county and placing them in another could be looked upon as disfranchisement. (Hear.) No doubt if small boroughs were to be disfranchised where lease holders were allowed to vote, and, if such small boroughs were to be added to the counties, where none but freeholders were allowed to vote, such a proceeding would have the effect of disfranchising the freeholders. He was not prepared to say that he would not go as far as the hon. member for Russell in disfranchising some of the small boroughs. The hon. and gallant knight the member for Hamilton said, the country did not want such a measure as was at present before the House, but he (Mr. B.) was mistaken if the subject of the bill had not been pretty well discussed in various places in Upper Canada as well as in Lower Canada, at all events in Quebec.<sup>160</sup> He had mentioned it in his address to his constituents, and<sup>161</sup> in fact, ever since the Union it had been a subject of much discussion. The present Ministry, it was said by their opponents, had a large majority; but because they had so, were they to fold their arms and bring no measure forward of interest and importance, and not give that fair representation to which the people were entitled. Some weeks ago the Ministry had done all they could to possess themselves of all the local knowledge of the country in order to ((assist)) the framing of the present bill, that it might be brought before the House in as perfect a state as they could<sup>162</sup>. He did not think that there would be any difficulty with regard to the county to which his hon. and learned friend (Mr. Lyon) referred, and<sup>163</sup> if the hon. member ... would vote for the second reading, he could give the Government assistance in working out the details in such a way as would render them satisfactory. If he failed even in this, he could then vote against the bill on the third reading. If he did not follow this course he might keep the country from receiving that proper representation to which it was entitled.<sup>164</sup> He had hoped some time ago, that<sup>165</sup> it would be much better if the hon. gentlemen opposite were to take a more enlarged view of the subject than they had done, to look upon it as a measure of interest to the country<sup>166</sup>, even to have given them the benefit of their knowledge of the country, to assist them in its details<sup>167</sup>--vote for its second reading, although it might be impossible so to frame the bill as to make it unobjectionable to all, yet its details might be so altered as to be at all events more perfect than it was at present. It was his opinion that to give measures weight with the country,<sup>168</sup> assuming that the country desired a considerable addition to its representation, it was desirable also, the<sup>169</sup> Ministers should not be always dependent upon their own immediate supporters, however large or small their majority might be<sup>170</sup>. Ministers always must and ought to have votes in that House, but it was desirable that some of them should have seats in the Legislative Council. That alone ought to induce hon. gentlemen opposite to aid them in putting matters on a better footing, and in giving them their aid to sacrifice all minor details, and look at it as a great provincial measure.<sup>171</sup> This object he thought would be attained by the pass-

ing of the present bill. He had hoped the hon. gentlemen opposite would have looked on the measure as one of importance to the people, and not as a party one, and would have given it their support. The hon. member for Simcoe objected to an increase in the representation on account of the increase of expenditure which it would entail on the country. He thought the advantage to the country would overbalance the additional expenditure, and he did not think that even the constituency of the hon. member for Simcoe would forego the advantage of having an additional member to sit alongside of its present member, merely on the score of a little additional expense, (hear, hear,) and he would not pay them the poor compliment (sic) the hon. member had done in saying they would refuse to do so. He would, therefore, protest against the impression which the hon. member's remarks was intended to make. He looked upon the measure as one having for its object a great public good, and one which all parties ought to unite in making as perfect as possible, and the hon. member for Russell, having admitted the principle of the bill, ought to vote for its second reading.<sup>172</sup>

MR. H. SHERWOOD (Toronto) said, that the<sup>173</sup> hon. gentleman who had just sat down<sup>174</sup> appeared to have entirely misunderstood the arguments of the hon. member for Russell. The bill adopted the principle of the equality of votes, which was altogether opposed to the desire of the hon. member for Russell, who was inclined to take population as the basis of representation,<sup>175</sup> and it was not merely on details that he differed; the hon. member said<sup>176</sup> he would not object to the Lower Canadian representatives being in a majority of five or eight if that principle were observed.<sup>177</sup>

MR. LYON explained that he had stated if the representation were passed upon population, Lower Canada might send 8 more members than Upper Canada and he approved of the principle.<sup>178</sup>

MR. H. SHERWOOD continued,--that was what he understood the hon. gentleman to say, and he must consider the principle advocated by the hon. gentleman, was directly opposed to the principle of the bill<sup>179</sup> of equal representation for the two Provinces.<sup>180</sup> It was not a mere question of details, as the hon. Attorney General would have him believe. He had very little confidence in the possibility of the bill being amended in committee, for he saw a determination to effect a particular object, which gave him very little reason to believe it. The object of the ministry was clearly to bring about a state of things that would be most detrimental to the interests of the British population, both in Upper and Lower Canada, and especially to the latter, who would be placed completely under the domination of another race, even when the last were in a minority. Now the hon. Attorney General had spoken of his large majority. There was no doubt on any one's mind that he had a large majority, but he had used it in such a manner as to suit his views only. The bill before the House was a specimen of their system. It was not to go into operation until next Parliament, and then it would be so nicely worked up as to secure their majority and hold their power in security.<sup>181</sup> It was not wanted, there had been no applications from the country desiring them to legislate on that measure.<sup>182</sup> Again, there was no petitions on the table praying for the enactment of this measure--it was true, that

it had been mentioned in the Speech from the Throne, at the opening of the Session; but how was it that the hon. gentleman did not point out the petitions for which the hon. member<sup>183</sup> had frequently taunted him, (Mr. S.) when he was in power, and wanted to bring forward measures which the country stood in need of. He (Mr. S.) had seen no petitions on the table and he thought that if the country wanted a measure of that kind, or was desirous of having it, they would have had it.<sup>184</sup> In reality, he did not think that the people, throughout the country, cared a great deal about the bill on abstract principles, and he did not believe he would say one word about it himself, if it were not for that portion of it which he referred to before, as likely to put the English population of Lower Canada under the power of the French Canadians.<sup>185</sup> He was opposed to a territorial division of both Provinces, which would place power in the hands of one race, and enable them to keep it. In looking at the present measure he conceived that it would have that effect, and he felt it to be his duty to oppose its going into Committee. He felt convinced that they would not make those alterations in Committee, which would enable him to approve of the bill, and now was the time to endeavour to prevent its being read a second time.<sup>186</sup> With regard to the increased expense referred to by the hon. member for Simcoe, he did not think that it was to be trifled with by any means. For it should be remembered that there were no buildings in Montreal capable of accommodating the 150 members proposed by the bill; and the effect would necessarily be that a large expense, perhaps £20,000 or £30,000, must be incurred in the construction of those buildings;<sup>187</sup> for it would be necessary to build them with a certain degree of architectural elegance. And this at a time when the Union was not certain to continue. The next expense would be the payment of the members which would entail a very large expense. In the present state of the finances of the country, it was highly uncalled for.<sup>188</sup> He asked if hon. members were prepared to vote for the Bill under present circumstances, when the greatest difficulty was felt in constructing roads for the public benefit, and when it was scarcely possible to complete the public works<sup>189</sup>, roads or other improvements. When they came to the Committee on railroads the ministry would tell them they had no means; yet they must spend £100,000 to reward persons who ought never to have been paid. It would be wise to allow the present bill to stand over until the next session, and have the opinion of their constituents upon it. If it were thought a good measure, they would have the table loaded with petitions in its favor; and as it was not to go into effect for three years, he could not see why they should have any objections to do so.<sup>190</sup>

MR. EGAN made a few remarks in answer to what had been said about the county of Ottawa.<sup>191</sup> The population of the County was at present 30,000 inhabitants, it contributed between forty and fifty thousand pounds annually to the public revenues of the province, and yet he regretted to state, that not one single sixpence of the public money had ever been granted to that county. In the county of Russell and the opposite shore where there were only 1700 inhabitants, and which contributed but little to the revenue, a public grant had been made, but not one sixpence could the county of Ottawa obtain, because--it was unfortunately in Lower Canada. (Hear, hear.) He was happy that allusion had been made to it, to have an



opportunity of bringing under the notice of the House the injustice which had been done to that county and he trusted the house would take the earliest opportunity of redressing it. The population of the county of Russell was only 1700 inhabitants, but since it had been represented by his hon. friend (Mr. Lyon) that population had considerably increased, as his hon. friend had worked most industriously. (Laughter.) He regretted that the effect of this bill will be almost entirely to sponge out a district of so much importance as the Ottawa: he trusted the ministry would re-consider the measure, and in doing so, do justice to that part of the country. He was prepared to vote for the second reading because he believed it was the wish of his constituents that there should be an increase in the number of representatives, and having an opportunity of bringing under the notice of the Government the injustice which had been inflicted on the Ottawa District he should no further trespass on the attention of the House.<sup>192</sup>

MR. J.S. MACDONALD (Glengarry) would support the measure, but he did not rise to say so because his opinions on that subject were well known. One would suppose from the language used by the hon. member who last spoke, that the country was entirely indebted to the Ottawa District for its prosperity, and would suppose the country could not exist without the Ottawa trade. The hon. member complained that the Government had paid them no attention, but upwards of one million and a half had been expended for the benefit of the Ottawa<sup>193</sup> and he was tired listening to remarks about it.<sup>194</sup>

MR. EGAN denied that the Ottawa had derived any advantage from the moneys expended on the frontier of the St. Lawrence and on the Rideau Canal.<sup>195</sup>

MR. J. S. MACDONALD asked had not the Province been from time to time contributing to erect slides and otherwise improve the country? He denied that the hon. member had any right to claim all the wealth and all the timber for the Ottawa District.<sup>196</sup>

MR. NOTMAN hoped the motion would prevail, and he did so because he believed that the great body of the people of the country expected that Parliament would, during its present Session, pass a Bill of this nature. This measure had been objected to, on the ground of the great additional expense it would entail on the country; he felt satisfied that the country would cheerfully pay the additional expense. The House never could assume its right position, nor could we have a Ministry justly entitled to the support of the country that could act fearlessly and independently until they should be placed in that position that they could not, as had been done heretofore, purchase the opposition to retain their places. (Hear, hear.) It had likewise ((been)) urged against the measure that it had not been asked for; that there was not a single petition before the House asking for it. He would beg to tell hon. gentlemen opposite that in nearly every constituency in U.C. represented by liberals, this question of increasing the representation was prominently brought forward as one of the most necessary reforms, and formed a prominent topic at the hustings. The inequality of the Representation at present existing in the house, was an injustice to the people of Canada; look at the County of

Middlesex containing a population of upwards of 42,000 inhabitants at this moment represented by one member--look at the city of Hamilton with 10,000 inhabitants--the city of Kingston with between 6 and 7,000, the town of Bytown with the same number, the town of London with 5,000, Niagara 1,300, Brockville 2,000, and Cornwall about 1,200. (Hear, hear.) Three Rivers something equally small, and last the town of Sherbrooke with 857 inhabitants--(hear, hear)--sending nine members and yet these nine members did not represent so large a number of persons as he (Mr. N.) represents. (Cheers.) He asked was that justice, he asked if the wishes, wants and feelings of 42,000 were to be entirely neutralized by the vote of any one of those party towns. (Cheers.) It was therefore but justice to the people that the representation should be increased.<sup>197</sup> He did not believe that gentlemen on the opposite side wanted liberal measures; they did not want an enlarged representation.<sup>198</sup> With regard to the expense that was but a trifling consideration and one which the people would never complain of except indeed the hon. gentlemen opposite, whose only salvation and chance of returning to the Treasury Benches, was in the Country remaining as it is. The 66 proposed additional members could easily be accommodated even in the present House, it was unnecessary that members should sit upon benches, as they did in the English House of Commons, and then there would be more chance of their devoting themselves studiously to the business of the country, and less danger of their being driven asleep as they were drove now by the long-winded speeches of hon. members. He (Mr. N.) represented one of the largest constituencies in U.C., and had received the largest number of votes recorded in U.C., and though this measure would probably reduce the number of his constituents to one-fourth, he came forward<sup>199</sup> cheerfully<sup>200</sup> to support it, because he believed it to be an act of justice to the people of the Province.<sup>201</sup> The ministry had not declared that the bill as it stood should go, the whole bill and nothing but the bill. The hon. gentleman here proceeded to re-iterate the argument of Mr. R. Baldwin, with regard to the hon. member for Russell.<sup>202</sup>

MR. RICHARDS did not think that any Reformer could vote against the principle of this bill. All Reformers united on this ground, and in the belief that a large constituency should have more representatives than a small one. There were no petitions, it was true, but there were no petitions for a change in King's College. The reasons were the same: the people expected the Ministry in office to fulfil their pledges of office. He understood that the hon. member agreed with the principle of equality between the two sections. This had been well compared with the Union of the United States; but, at any rate, equality was the principle of the Union, and Great Britain would grant no change in it. If gentlemen wanted any reform they should attempt one that would be sanctioned by Great Britain. The hon. member for Russell reminded him of the hon. member for Quebec--He always dilated on the wrongs of Quebec, and so the member for Russell thought only of Russell; but all other gentlemen had the same interest ... in their own constituencies. At any rate, he could oppose the details of the bill in a subsequent stage, if he did not approve of them. The truth was, the gentlemen on the other side knew that if Upper Canada were well represented, they would never have power again. If the

hon. member for Russell opposed this bill, he must have more sympathy with the other side of the House than with that. Another argument against the bill was, that it would greatly increase the expenses of the country. True,<sup>203</sup> despotic governments were always least expensive. A governor and council would be far cheaper than the present system. If hon. gentlemen would look at the history of all countries they would find that popular governments were always the most expensive. If great good were to be obtained, let them have it with the expense. Many of the small towns had now as much influence as the largest county in Upper Canada.<sup>204</sup> It was said, too, that the British population would be swamped under this bill; but how could that be done unless the Upper Canadians were accounted British? It was clear that by no organization of that House could the British representatives be swamped. But he warned the honourable gentlemen opposite that the demand for popular rights lost nothing by delay. If the bill were postponed the demand would go on increasing till, perhaps, all the rotten boroughs were swept away. Besides it was not impossible that to throw out the Bill would be to force the members on his side of the House to pass Mr. Boulton's resolutions. He did not think the Bill particularly favourable to his part of the county, but was ready to give something to gain a great good. He believed that the great opposition to this bill's going into committee, arose from the circumstances that it was believed some gentleman who now opposed the bill, might obtain amendments in Committee, which would make them sufficiently favourable to the bill, to induce them to vote for its third reading. It was therefore impressed upon them that they ought to throw the bill out at once.<sup>205</sup>

MR. G. SHERWOOD (Brockville) could not see the necessity of forcing the measure through this session. Why not let it go to the country and have the opinion of the country expressed upon it?<sup>206</sup> The Ottawa had been spoken of too contemptuously by the members for Glengarry and Leeds. He believed that district had been too much neglected hitherto and was too little known; but he hoped it would soon be treated with more consideration. It was now said, however, that to oppose the measure would lead to the destruction of the boroughs. He remembered that the boroughs had been threatened already by the organs of the ministry. He believed, however, that it had been found impossible at once to sweep off these constituencies; but should the bill be once passed, they would soon go the way of the County of Russell.<sup>207</sup> The hon. member for Leeds had put<sup>208</sup> this case<sup>209</sup> in the position of King's College<sup>210</sup> but there had been no petitions in support of this bill, while<sup>211</sup> they did pour in formerly in favour of a reform in King's College<sup>212</sup> and he doubted if they meant to alter it now--(hear, hear.)<sup>214</sup> It was said that the country did not care about the expense; he supposed if the country demand it, they would not mind the expense; but he denied that there was any strong feeling in favour of the change.<sup>215</sup> There was not a single petition for this bill, nor for the other measures they were about to introduce. There was not a petition for the assessment bill, municipal council bill, and others<sup>216</sup> the Ministry had already introduced<sup>217</sup> but would repeal half the laws of Upper Canada and make changes that had never been asked for at all<sup>218</sup> many of which changes would dissatisfy even supporters of the Ministry.<sup>219</sup>

MR. J. SMITH (Durham) expected opposition, and knew from whence opposi-



tion to a popular measure would come.<sup>220</sup> ((He)) of course expected every member for a rotten borough to vote against this bill.<sup>221</sup> When they reflected that the business of the country had been so long kept back by hon. gentlemen opposite, it was not unreasonable that they should bring forward so many measures. The present bill involved two principles, and he was in favour of both. The increase now recommended was only that of the Provinces before they were united. He felt that the expense ought not to be considered, and that his constituents would not hesitate a moment about the expense. He thought the ministry ought to be able always to have a majority of twice their own number.<sup>222</sup> As to the petitions, he declared that in his opinion, it would be an insult to the people of Upper Canada to expect petitions on such a subject--to expect that the people of Middlesex would think it necessary to petition to have a larger representation for large than small constituencies. It had been objected against the bill that it would add to the representatives of Reform counties, but this had been shown not to be the fact, for several counties claimed by the Conservatives would gain additional members by this Bill. Indeed that was now admitted on all hands. The only great reason now alleged was that the British inhabitants of Lower Canada would be swamped; but the reason already given was sufficient to refute that assertion.<sup>223</sup> He would give the present measure his most hearty support.<sup>224</sup>

MR. CAUCHON rose amid loud cries of question; he said a few words, and sat down again.<sup>225</sup>

MR. BADGLEY during the greater part of his remarks, was inaudible to us, from a buzz of voices under the reporter's box. We understood him to say that he would not give a silent vote, as the measure was one which, whether for weal or woe, would effect (sic) this Province for many years to come. It was not his intention to follow hon. gentlemen into matters of detail. It was not competent for them to take up the point and discuss whether the representation was to be founded on population; it was provided by the Imperial statute that the representation of both Provinces should be equal.<sup>226</sup> During the debates on the Canada bill, in the Imperial Parliament, Lord John Russell stated explicitly, that it was in consequence of the anticipated progress of one Province over the other, in point of population, that they had fixed on an equality of votes, as the basis of representation. It was very true that the house had the power of making alterations in the appointment, assuming the equality of votes as the basis, but they could not go beyond that. An hon. gentleman had referred to the mixture of races in Lower Canada. It was very unfortunate that the difference of races, had been, almost during the whole history of Lower Canada, a source of annoyance and ill feelings. It was true, that for a considerable space of time, the British and French population were free from those jealousies which afterwards divided them, and were both subject to a different faction, which bore equally heavy on British and French.<sup>227</sup> The Act of the 9 Geo. 4. did not give any larger representation to the English population than it had before the votes gave from ten to twelve members from English constituencies.<sup>228</sup> For some time after the fall of the dominant or official faction, the British had a tolerable fair representation, but that soon diminished, and their representation in Parliament was constantly becoming less and less, until at length it became necessary to remodel the form of its constitution<sup>229</sup>. He did not refer to these facts with any personal feeling, but merely to shew what the posi-

tion of the English population was at that time. He did so because the Attorney General had referred to men of liberal opinions being returned for Canadian constituencies; there was no liberal opinions in existence at that period, it was a question of French or English. What was the difference which divided the two parties?--it was no difference in politics but in race;<sup>230</sup> and he had no doubt that if the bill were passed, the old system would be brought back again, a system under which the whole British population were ranged on one side, and the French on the other.<sup>231</sup> French Canadians would certainly be returned for sixty-two constituencies, while only thirteen British members would be returned. He did not see anything in the circumstances of the country which called for the bill, there were no petitions, he saw nothing in the public newspapers which called upon the Legislature to interfere in the representation; and if a member was only to be given 15000 each section of the Province should only have 50 members, assuming it not to have over 750,000 of a population. The hon. member then went on to make some remarks about the necessity of the commercial interest being represented in the House as well as the agricultural interest.<sup>232</sup> The commercial interests of the country are growing up to be of considerable importance, and that it was absolutely necessary to have the different interests of the Province represented in Parliament, on the same principle which is adopted in England<sup>233</sup>. The Agricultural interest was represented in the Counties, and he thought they should create other constituencies which might represent other interests. At present this was not done to the extent it should be. It was proposed to give three members to Quebec and Montreal, but he thought they should have four; there was Sorel, he thought as much entitled to a member as Sherbrooke; there was also St. Johns, which he thought should be represented. He thought there were other places which ought to have members given to them, for the purpose of allowing the mercantile interests of the country to be represented.<sup>234</sup>

COL. GUGY was sorry to say that owing to a severe complaint in his throat, he was quite unable to treat the question before the house as it deserved, (hear, hear.) He would, therefore, he regretted to say, be obliged to give his vote in silence on this occasion, (loud laughter.)<sup>235</sup>

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*Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chabot, Chauveau, Davignon, DeWitt, Solicitor General Drummond, Duchesnay, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Méthot Mongenais, Morrison, Nelson, Notman, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, and Wetenhall.--(55.)*

NAYS.

*Messieurs Badgley, Boulton of TORONTO, Brooks, Cayley, Christie,*

*Crysler, Gagy, Johnson, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, Papineau, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Wilson.--(20.)*

When MR. PAPINEAU voted against the bill, he was hissed by a number of the French Canadian members.<sup>236</sup>

MR. H. BOULTON addressing the Speaker said, you have not voted, Mr. Speaker.<sup>237</sup>

Cries of order, order, the question is carried.<sup>238</sup>

MR. H. BOULTON. I rise to a question of order, which is whether you have a right to vote or not? I think you have. It is not a question about you having a casting vote, but whether you have not a right to vote by the constitution, and whether you are a member of the house or not.<sup>239</sup>

MR. J.A. MACDONALD said this was a most extraordinary proposition. The Speaker in a former part of the evening had<sup>240</sup> already decided the question, it was evident from what he had said, that as far as this house was concerned, the bill was carried and it must be considered as carried. It was true, however, that the Union Act provided, that<sup>241</sup> this bill should pass the two houses in the ordinary way; and it was not till after it had so passed that the clause relating to the two-thirds of the house could come into operation, when it would prevent the other branch of the Legislature from passing the bill<sup>242</sup> unless two thirds of the house concurred in the bill ... it could not be presented for royal sanction.<sup>243</sup>

MR. SOL. GEN. DRUMMOND. It appeared to him that the Speaker had not only the right to vote, but that he was bound to do it; the country had a right to claim his vote. The Union Act was explicit on the point; the 14th clause provided for general cases where the measure could be carried by a majority, and where the Speaker could only vote where there was a tie; but the case before the House was a special one, and it had been provided for by a special clause. The bill before the house required to be concurred in by two thirds of the members of the house,<sup>244</sup> for the time being<sup>245</sup> and the country had a right to know, whether all the members concurred in the measure or not; how could the country ascertain whether two thirds of the house had concurred in the vote or not unless the Speaker was called on to vote?<sup>246</sup> Now would any one assert that the speaker was not one of the members of the Legislature?<sup>247</sup> He thought nothing could be clearer than that the Speaker had a right to vote, and if there was any doubt it should be given in favor of a measure, which required such a large majority to carry it.<sup>248</sup> Unless the Speaker voted, the country would not have the benefit of its full representation. How then could the vote be fairly taken, if one member of the Legislature could not vote.<sup>249</sup>

MR. H. SHERWOOD (Toronto) expressed his dissent from the views of the Solicitor General East, and was proceeding to give his reasons for believing that the Speaker had no right to vote unless there was a tie, when observing that the Speaker was in conversation with the Attorney General West, he resumed his seat<sup>250</sup>.

MR. MORIN The Speaker apologized.<sup>251</sup>

But MR. H. SHERWOOD said he had been addressing the Speaker about his



power and duty in this case, and if he did not choose to listen, there was no use of his (Mr. S.) going on.<sup>252</sup>

MR. CAUCHON said, that in the American Congress, in a case of this kind, the Speaker would have a right to vote, but not in the British Legislature where the cause never could occur.<sup>253</sup>

MR. CHRISTIE inquired whether the clause giving the Speaker the casting vote, did not preclude him from voting under any other circumstances.<sup>254</sup>

MR. MACDONALD. If the house had been equally divided, he took it that the Speaker would have been called upon to give his casting vote. And what would be the consequence if the Speaker voted, when there was only a deficiency of one, and made it a tie? he would have voted when there was no tie, and then have voted because there was a tie.<sup>255</sup>

MR. AT. GEN. BALDWIN felt it his duty to himself and to those who had done the Administration of which he was a member the honor to support the measure which they had introduced, to state his opinions upon the point which had arisen; he must say his opinion was decidedly against the Speaker's having the right to vote. (Hear, hear.) It was a measure of great importance and he had a great anxiety to carry it; and he regretted that he could not be led to think that the Speaker had a right to vote; because he believed that if the second reading had been carried, they would not have the measure through the house.<sup>256</sup> He thought that the anxiety of some of his hon. friends had led them away in considering this question; but<sup>257</sup> no matter how important to the Administration, and how important and beneficial to the country the measure was, he would deeply regret if his friends, in their anxiety for passing the bill, were to sacrifice what he considered to be the<sup>258</sup> clear and satisfactory law of the land.--(hear, hear.)<sup>259</sup> (Cheers.) His attention had been directed (sic) to the point some days previous and his opinion was firmly made up. In the first place, it was clear that the bill might go through all its stages and be passed by a simple majority of the house and that it can go through the other house and be passed there by a majority, for there was nothing to prevent them doing so; every question was to be pronounced by a majority of the votes present, and therefore whenever a majority present was in favor of the bill, it was carried. At the moment the question of order was disposed of, the bill must be read a second time; but, by the 25th section of the Constitutional Act, it was provided that no bill of this description could be presented for the Royal sanction, unless an address be presented with the concurrence of two-thirds of the members of the whole house, praying the same be sanctioned. The address must be passed with the concurrence of two-thirds of the members, and how could that concurrence be given but by the votes. The Speaker put the question. He asked whether the house concurred, and their concurrence was given by their votes; and if it appeared that the Speaker was not in a position to vote, he could not give his concurrence. By the 34th section it was provided that the questions should be decided by a majority of the voices present, and if there was a tie, the Speaker had a casting vote but not unless, therefore he could give no vote on this occasion, and the concurrence of two-thirds of the members had not been given to the second reading of the bill.<sup>260</sup>

MR. H. BOULTON of Norfolk, had spoken rather hastily when he called

upon the Speaker to vote, and without having thought much on the point; but notwithstanding all he had heard from the Attorney General, he thought a great deal might be said on<sup>261</sup> both sides of the question. There was one clause of the Act which rendered it necessary that on such a subject as the present, two thirds of the members of the house were required to carry it through a second reading. Another clause only required a clear majority of the members, otherwise than the Speaker. That clause however, could not bear on the present question. In circumstances of this kind when an equality of votes occurred, the Speaker had the casting vote, but the present occasion was peculiar, and he did not think he should be excluded from voting when the Act required that two thirds, which would be 56 were necessary to carry the present measure through a second reading. He did not wish to say anything to influence the Speaker, but on a question of such importance, which he had brought for the purpose of argument, the hon. Speaker would have an opportunity of giving his opinion, and he did think that he had the right to give his vote on such an occasion.<sup>262</sup>

MR. AT. GEN. LAFONTAINE said he must confess he had great doubt as to the right of the Speaker to vote, and until those doubts were removed, he did not wish to have him vote. He would like the Speaker to inform him whether there was any case upon which he could give two votes?<sup>263</sup>

MR. MORIN, The Speaker--I know of no occasion upon which I can give two votes.<sup>264</sup>

MR. AT. GEN. LAFONTAINE would state the reason why he doubted the Speaker's right to vote.<sup>265</sup> It was true that two thirds of the members present were required to carry the bill through a second reading, in order that it might get the royal sanction, but in any other case a simple majority was all that was required. The right of the Speaker to vote could only result from the 26th section of the Act. Now, it was clear,<sup>266</sup> in ordinary cases he had only a casting vote, but, in this case it was contended he had a right to vote as a member. Well suppose he had a right, and his vote<sup>267</sup> the clerk, out of courtesy, might take first, and then on calling the division, say the votes were 40 against 40, he would then be called upon to exercise his casting vote. He would thus have two votes, which<sup>268</sup> he (Mr. L.) did not believe that he could have; and, as this case was very possible, he was very doubtful of the Speaker's having any right to give any other than a casting vote<sup>269</sup> on the present occasion.<sup>270</sup>

MR. SOL. GEN. DRUMMOND did express himself with warmth, not from feeling; but because his opinion was strong. He had formed his opinion in calm, and on due consideration. The hon. member then repeated his former argument on the meaning of the Act. He thought the argument of the hon. member for Montreal did not apply, because his opinion was founded on the thirty-fourth section, while that of the hon. member for Montreal was founded on the twenty-sixth section.<sup>271</sup> If the act was to be interpreted according to the opinion of the Attorney General West, it was an absurdity, and again contended the speaker had a right to vote for the reasons he had before mentioned.<sup>272</sup>

MR. CARTIER added another reason why the Speaker should vote. The Act did not take the vote of the Speaker except in case of a tie. It was then when the necessity arose, that the Act received the Speaker's vote. Now, in this case in the same manner there was a necessity to know whether

there were two-thirds of the votes.<sup>273</sup>

MR. PAPINEAU said that warmly as the hon. Attorney General West desired to pass his measure he had made his stand on the right principle.<sup>274</sup> There were eight members absent, and they could not vote; in the same way the Speaker could not vote in consequence of his honourable position in the House<sup>275</sup> except when the house was equally divided. In the present case the division had been made, counted and carried by a large majority<sup>276</sup> and there was no possibility of going into it again.<sup>277</sup> There was no contradiction in the law, and, a case of the present kind was clearly foreseen when the bill was enacted. Besides it was the constant practice of the House of Commons.<sup>278</sup>

MR. NOTMAN said that there were 81 members and one third, 24 members, were required to be opposed to the bill to prevent it passing; but without the Speaker 27 members could prevent it from passing. Now he wished to know if it was the intention of the Imperial Parliament that 27 members should control the majority.<sup>279</sup>

MR. CAUCHON sustained the proposition of the hon. Solicitor General East, expressing his opinion that the Attorney General (West) was a very good authority in general for such points as these; but was too fond of precedents, and had occasionally too scrupulous a conscience.<sup>280</sup>

MR. CHAUVEAU said, the Speaker was only disqualified by the Union Act from voting on questions to be decided by a majority. This question was not to be decided by a majority, but by a certain number, namely 56 out of 84.<sup>281</sup> The speaker ought to vote, as only one was required to make that number.<sup>282</sup>

MR. MORIN, The Speaker must confess that he had not been brought to change his opinion--said that the provisions of the Union act was a limitation upon another branch of the Legislature concurring with the bill, and not upon that house, the vote must be taken without any references to that limitation as in ordinary cases, and, if he had no right to vote where there was only 50 for the bill, he had no right to vote when there was 55 for it. There was no tie, so he could not give a casting vote. The second reading of the bill was carried, but it was for the hon. gentlemen to consider whether it was to be carried further or not.<sup>283</sup>

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*So it was resolved in the Affirmative.*

*Ordered, That the Bill be now read a second time.*

*The Bill to enlarge the Representation of the People of this Province in Parliament, was accordingly read a second time.*

Sheriffs'  
per centage.

*The Order of the day for the House in Committee to take into consideration the expediency of amending so much of the Ordinance 25 Geo. 3, as empowers the Sheriffs of that part of the Province formerly constituting Lower Canada, to retain two and a half per cent out of the public monies in their hands, being read;*

*Ordered, That the said Order of the day be postponed till Thursday, the twenty-ninth instant.*



Militia Act  
Amendment  
Bill.

The Order of the day for the second reading of the Bill to repeal part of and to amend the Act regulating the Militia of this Province, in so far as regards the enrolment of and fines imposed upon

Quakers, Menonists and Tunkers, being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-ninth instant.

Small Debts  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to consolidate and reduce into one Act the several Laws now in force regulating the system and practice of certain Courts in Upper Canada established for the recovery of Small Debts, and to make other provisions therefor, being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-ninth instant.

Grand River  
Navigation  
Company Bill.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Grand River Navigation Company, being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-ninth instant.

Religious So-  
cieties Bill.

The Order of the day for the second reading of the Bill to amend certain Acts of the Parliament of Upper Canada for the relief of Religious Societies,

being read;

Ordered, That the Bill be read a second time, on Thursday, the twenty-ninth instant.

Medical  
Profession  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to incorporate the Members of the Medical Profession in Upper Canada, and to regulate the study and practise of Physic and Surgery therein, being

read;

Ordered, That the Bill be read a second time, on Monday next.

Bill to secure  
Real Estate  
Titles to cer-  
tain persons.

The Order of the day for the second reading of the Bill to secure Titles to Real Estate to certain persons naturalized under the Statute of Lower Canada, 1 Will. 4, c.53, being read;

Ordered, That the Bill be read a second time, on Monday next.

Montreal Hor-  
ticultural  
Society Bill.

The Order of the day for the second reading of the Bill to incorporate the Horticultural Society of Montreal, being read;

Ordered, That the Bill be read a second time, on Monday next.

Petition of  
J.H. Aussem  
and others.

The Order of the day for taking into consideration the Report of the Select Committee to which was referred the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, being read;

Ordered, That the said Order of the day be postponed till Monday next.

Ontario Marine and Fire Insurance Company Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Ontario Marine and Fire Insurance Company, being read;

Ordered, That the said Order of the day be postponed till Monday next.

Real Property Conveyances Bill.

The Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common socage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Assessment Bill (U.C.)

The Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns, and Cities in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

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School Law (L.C.) Bill.

The Order of the day for the second reading of the Bill to amend the School Law of Lower Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Court of Appeals and Criminal Jurisdiction Bill (L.C.)

The Order of the day for the second reading of the Bill to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Courts of Civil Jurisdiction Bill (L.C.)

The Order of the day for the second reading of the Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Gaspé Judicature Bill.

The Order of the day for the second reading of the Bill to amend the Law relative to the Administration of Justice in Gaspé, being read;

Ordered, That the Bill be read a second time, on Friday next.

Municipal Corporations (U.C.) Bill.

The Order of the day for the second reading of the Bill to provide by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

County Di-  
vision Bill.

The Order of the day for the second reading of the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolution of such Unions as the increase of wealth and population may require, being read;

Ordered, That the Bill be read a second time, on Friday next.

Court of  
Chancery  
(U.C.) Bill.

The Order of the day for the second reading of the Bill for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Superior  
Criminal  
Court and  
Court of Error  
and Appeal  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to make further provision for the Administration of Justice, by the establishment of a Superior Criminal Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time, on Friday next.

Law of  
Evidence  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to improve the Law of Evidence in Upper Canada, being read;

Ordered, That the Bill be read a second time, on Friday next.

Naturalization  
of Aliens Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intitled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," being read;

Ordered, That the Bill be read a second time, on Friday next.

Land Survey-  
ors Bill.

The Order of the day for the second reading of the Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province, being read;

Ordered, That the Bill be read a second time, on Friday next.

Public Debt,  
&c., Bill.

The Order of the day for the second reading of the Bill for the better management of the Public Debt, Accounts, Revenue, and Property, being read;

Ordered, That the Bill be read a second time, on Friday next.

Indemnity to  
Members.

The Order of the day for the House in Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, being read;

Ordered, That the said Order of the day be postponed till Friday next.



Offenders'  
Treaty Bill.

The Order of the day for the House in Committee on the Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders, being read;

Ordered, That the said Order of the day be postponed till Friday next.

Supply.

The Order of the day for the House in Committee of Supply, being read;

Ordered, That the said Order of the day be postponed till Friday next.

Election Bill.

The Order of the day for House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read;

Ordered, That the said Order of the day be postponed till Friday next.

Niagara  
District  
Town Bill.

The Order of the day for the second reading of the Bill to remove the site of the District Town of the District of Niagara, to Port Robinson in the Township of Thorold, in the County of Welland, being

read;

Ordered, That the Bill be read a second time, on Saturday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till to-morrow.

Then, on motion of Mr. Laurin, seconded by Mr. Chabot,  
The House adjourned.<sup>284</sup>

APPENDIX: 21 MARCH 1849.

((QUESTION AND ANSWER RE: TARIFF.))<sup>285</sup>

MR. CHRISTIE inquired of the Inspector General when the tariff of duties would be brought down.<sup>286</sup>

MR. INSP. GEN. HINCKS. In two or three days.<sup>287</sup>

FOOTNOTES: 21 MARCH 1849.

1. The debate on this matter was reported by: L'AVENIR, 31 March 1849; LA MINERVE, 26 March 1849, copied by LE JOURNAL DE QUEBEC, 31 March, 3 April 1849, in identical accounts; MONTREAL GAZETTE, 23 March 1849, HAMILTON SPECTATOR, 31 March, 4 April 1849, and BRITISH COLONIST, 3 April 1849, in accounts identical except that BRITISH COLONIST omitted and abbreviated several speeches; and PILOT, 23 March 1849, GLOBE, 28, 31 March 1849, BRITISH WHIG, 28 March 1849, and PACKET, 31 March 1849, in accounts identical except that BRITISH WHIG and PACKET omitted several speeches. LA MINERVE, 22 March 1849, and LE JOURNAL DE QUEBEC, 24, 27 March 1849, noted the debate. Commentaries appeared in: LE JOURNAL DE QUEBEC, 24, 27 March 1849; L'AVENIR, 24 March 1849; GLOBE, 31 March 1849; PILOT, 23 March 1849; and LA MINERVE, 26 March 1849. When necessary the GLOBE or BRITISH WHIG, HAMILTON SPECTATOR and LE JOURNAL DE QUEBEC will be used in place of the PILOT, MONTREAL GAZETTE, and LA MINERVE.
2. HAMILTON SPECTATOR, 31 March 1849.
3. IBID.
4. IBID.
5. GLOBE, 28 March 1849.
6. HAMILTON SPECTATOR, 31 March 1849.
7. GLOBE, 28 March 1849.
8. HAMILTON SPECTATOR, 31 March 1849.
9. GLOBE, 28 March 1849.
10. HAMILTON SPECTATOR, 31 March 1849.
11. GLOBE, 28 March 1849.
12. HAMILTON SPECTATOR, 31 March 1849.
13. GLOBE, 28 March 1849.
14. IBID.
15. HAMILTON SPECTATOR, 31 March 1849.
16. GLOBE, 28 March 1849.
17. HAMILTON SPECTATOR, 31 March 1849.
18. GLOBE, 28 March 1849.
19. HAMILTON SPECTATOR, 31 March 1849.
20. GLOBE, 28 March 1849.
21. HAMILTON SPECTATOR, 31 March 1849.
22. GLOBE, 28 March 1849.
23. HAMILTON SPECTATOR, 31 March 1849.
24. GLOBE, 28 March 1849.
25. HAMILTON SPECTATOR, 31 March 1849.
26. GLOBE, 28 March 1849.
27. HAMILTON SPECTATOR, 31 March 1849.
28. GLOBE, 28 March 1849.
29. HAMILTON SPECTATOR, 31 March 1849.
30. GLOBE, 28 March 1849.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.



37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. HAMILTON SPECTATOR, 31 March 1849.
51. IBID.
52. IBID.
53. GLOBE, 28 March 1849.
54. HAMILTON SPECTATOR, 31 March 1849.
55. GLOBE, 28 March 1849.
56. HAMILTON SPECTATOR, 31 March 1849.
57. GLOBE, 28 March 1849.
58. HAMILTON SPECTATOR, 31 March 1849.
59. GLOBE, 28 March 1849.
60. HAMILTON SPECTATOR, 31 March 1849.
61. IBID.
62. IBID.
63. GLOBE, 28 March 1849.
64. HAMILTON SPECTATOR, 31 March 1849.
65. GLOBE, 28 March 1849.
66. IBID.
67. HAMILTON SPECTATOR, 31 March 1849.
68. GLOBE, 28 March 1849.
69. IBID.
70. IBID.
71. IBID.
72. HAMILTON SPECTATOR, 31 March 1849.
73. GLOBE, 28 March 1849.
74. HAMILTON SPECTATOR, 31 March 1849.
75. GLOBE, 28 March 1849.
76. HAMILTON SPECTATOR, 31 March 1849.
77. IBID.
78. IBID., 4 April 1849.
79. GLOBE, 31 March 1849.
80. HAMILTON SPECTATOR, 4 April 1849.
81. GLOBE, 31 March 1849.
82. HAMILTON SPECTATOR, 4 April 1849.
83. GLOBE, 31 March 1849.
84. L'AVENIR, 31 March 1849.
85. IBID.
86. IBID.
87. HAMILTON SPECTATOR, 4 April 1849.
88. L'AVENIR, 31 March 1849. The ellipses represents illegible words.

89. IBID.
90. IBID.
91. LE JOURNAL DE QUEBEC, 31 March 1849.
92. HAMILTON SPECTATOR, 4 April 1849.
93. LE JOURNAL DE QUEBEC, 31 March 1849.
94. HAMILTON SPECTATOR, 4 April 1849.
95. IBID.
96. GLOBE, 31 March 1849.
97. HAMILTON SPECTATOR, 4 April 1849.
98. GLOBE, 31 March 1849.
99. HAMILTON SPECTATOR, 4 April 1849.
100. GLOBE, 31 March 1849.
101. BROCKVILLE RECORDER, 5 April 1849.
102. GLOBE, 31 March 1849.
103. BROCKVILLE RECORDER, 5 April 1849.
104. GLOBE, 31 March 1849.
105. HAMILTON SPECTATOR, 4 April 1849.
106. GLOBE, 31 March 1849.
107. BROCKVILLE RECORDER, 5 April 1849.
108. GLOBE, 31 March 1849.
109. HAMILTON SPECTATOR, 4 April 1849.
110. GLOBE, 31 March 1849.
111. HAMILTON SPECTATOR, 4 April 1849.
112. GLOBE, 31 March 1849.
113. HAMILTON SPECTATOR, 4 April 1849.
114. IBID., which noted the number as being 10,000.
115. GLOBE, 31 March 1849.
116. HAMILTON SPECTATOR, 4 April 1849.
117. GLOBE, 31 March 1849.
118. HAMILTON SPECTATOR, 4 April 1849.
119. GLOBE, 31 March 1849.
120. HAMILTON SPECTATOR, 4 April 1849.
121. GLOBE, 31 March 1849.
122. HAMILTON SPECTATOR, 4 April 1849.
123. GLOBE, 31 March 1849.
124. HAMILTON SPECTATOR, 4 April 1849.
125. GLOBE, 31 March 1849.
126. HAMILTON SPECTATOR, 4 April 1849.
127. GLOBE, 31 March 1849.
128. HAMILTON SPECTATOR, 4 April 1849.
129. GLOBE, 31 March 1849.
130. BROCKVILLE RECORDER, 5 April 1849.
131. HAMILTON SPECTATOR, 4 April 1849.
132. GLOBE, 31 March 1849.
133. HAMILTON SPECTATOR, 4 April 1849.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. GLOBE, 31 March 1849.

141. HAMILTON SPECTATOR, 4 April 1849.
142. GLOBE, 31 March 1849.
143. HAMILTON SPECTATOR, 4 April 1849.
144. GLOBE, 31 March 1849.
145. HAMILTON SPECTATOR, 4 April 1849.
146. GLOBE, 31 March 1849.
147. HAMILTON SPECTATOR, 4 April 1849.
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149. HAMILTON SPECTATOR, 4 April 1849.
150. GLOBE, 31 March 1849.
151. HAMILTON SPECTATOR, 4 April 1849.
152. GLOBE, 31 March 1849.
153. IBID.
154. HAMILTON SPECTATOR, 4 April 1849.
155. GLOBE, 31 March 1849.
156. HAMILTON SPECTATOR, 4 April 1849.
157. GLOBE, 31 March 1849.
158. IBID.
159. HAMILTON SPECTATOR, 4 April 1849.
160. GLOBE, 31 March 1849.
161. HAMILTON SPECTATOR, 4 April 1849.
162. GLOBE, 31 March 1849.
163. HAMILTON SPECTATOR, 4 April 1849.
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166. GLOBE, 31 March 1849.
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170. GLOBE, 31 March 1849.
171. HAMILTON SPECTATOR, 4 April 1849.
172. GLOBE, 31 March 1849.
173. IBID.
174. HAMILTON SPECTATOR, 4 April 1849.
175. GLOBE, 31 March 1849.
176. HAMILTON SPECTATOR, 4 April 1849.
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178. HAMILTON SPECTATOR, 4 April 1849.
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183. GLOBE, 31 March 1849.
184. HAMILTON SPECTATOR, 4 April 1849.
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186. HAMILTON SPECTATOR, 4 April 1849.
187. GLOBE, 31 March 1849.
188. HAMILTON SPECTATOR, 4 April 1849.
189. GLOBE, 31 March 1849.
190. HAMILTON SPECTATOR, 4 April 1849.
191. IBID.
192. GLOBE, 31 March 1849.



193. IBID.
194. HAMILTON SPECTATOR, 4 April 1849.
195. GLOBE, 31 March 1849.
196. IBID.
197. IBID.
198. HAMILTON SPECTATOR, 4 April 1849.
199. GLOBE, 31 March 1849.
200. HAMILTON SPECTATOR, 4 April 1849.
201. GLOBE, 31 March 1849.
202. HAMILTON SPECTATOR, 4 April 1849.
203. PILOT, 23 March 1849.
204. HAMILTON SPECTATOR, 4 April 1849.
205. PILOT, 23 March 1849.
206. HAMILTON SPECTATOR, 4 April 1849.
207. GLOBE, 31 March 1849.
208. HAMILTON SPECTATOR, 4 April 1849.
209. GLOBE, 31 March 1849.
210. HAMILTON SPECTATOR, 4 April 1849.
211. GLOBE, 31 March 1849.
212. HAMILTON SPECTATOR, 4 April 1849.
213. GLOBE, 31 March 1849.
214. HAMILTON SPECTATOR, 4 April 1849.
215. GLOBE, 31 March 1849.
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217. GLOBE, 31 March 1849.
218. HAMILTON SPECTATOR, 4 April 1849.
219. GLOBE, 31 March 1849.
220. HAMILTON SPECTATOR, 4 April 1849.
221. GLOBE, 31 March 1849.
222. HAMILTON SPECTATOR, 4 April 1849.
223. GLOBE, 31 March 1849.
224. HAMILTON SPECTATOR, 4 April 1849.
225. IBID.
226. IBID.
227. GLOBE, 31 March 1849.
228. HAMILTON SPECTATOR, 4 April 1849.
229. GLOBE, 31 March 1849.
230. HAMILTON SPECTATOR, 4 April 1849.
231. GLOBE, 31 March 1849.
232. HAMILTON SPECTATOR, 4 April 1849.
233. GLOBE, 31 March 1849.
234. HAMILTON SPECTATOR, 4 April 1849.
235. GLOBE, 31 March 1849.
236. HAMILTON SPECTATOR, 4 April 1849.
237. IBID.
238. IBID.
239. IBID.
240. GLOBE, 31 March 1849.
241. HAMILTON SPECTATOR, 4 April 1849.
242. GLOBE, 31 March 1849.
243. HAMILTON SPECTATOR, 4 April 1849.
244. IBID.

245. BRITISH WHIG, 28 March 1849.
246. HAMILTON SPECTATOR, 4 April 1849.
247. BRITISH WHIG, 28 March 1849.
248. HAMILTON SPECTATOR, 4 April 1849.
249. BRITISH WHIG, 28 March 1849.
250. IBID.
251. HAMILTON SPECTATOR, 4 April 1849.
252. IBID.
253. BRITISH WHIG, 28 March 1849.
254. IBID.
255. HAMILTON SPECTATOR, 4 April 1849.
256. IBID.
257. BRITISH WHIG, 28 March 1849.
258. HAMILTON SPECTATOR, 4 April 1849.
259. BRITISH WHIG, 28 March 1849.
260. HAMILTON SPECTATOR, 4 April 1849.
261. IBID.
262. BRITISH WHIG, 28 March 1849.
263. HAMILTON SPECTATOR, 4 April 1849.
264. IBID.
265. IBID.
266. GLOBE, 31 March 1849.
267. HAMILTON SPECTATOR, 4 April 1849.
268. GLOBE, 31 March 1849.
269. HAMILTON SPECTATOR, 4 April 1849.
270. GLOBE, 31 March 1849.
271. IBID.
272. HAMILTON SPECTATOR, 4 April 1849.
273. GLOBE, 31 March 1849.
274. HAMILTON SPECTATOR, 4 April 1849.
275. GLOBE, 31 March 1849.
276. HAMILTON SPECTATOR, 4 April 1849.
277. GLOBE, 31 March 1849.
278. HAMILTON SPECTATOR, 4 April 1849.
279. IBID.
280. GLOBE, 31 March 1849.
281. IBID.
282. HAMILTON SPECTATOR, 4 April 1849.
283. IBID.
284. According to PILOT, 23 March 1849, the House adjourned at 12:20 P.M.
285. This matter was reported by: MONTREAL GAZETTE, 23 March 1849, and HAMILTON SPECTATOR, 31 March 1849, in identical accounts; and PILOT, 23 March 1849, GLOBE, 28 March 1849, and PACKET, 31 March 1849, in identical accounts.
286. PILOT, 23 March 1849.
287. IBID.

THURSDAY, 22 MARCH 1849.

(173)

Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Boulton,--The Petition of W.M. Wilson, Chairman, and M.H. Foley, Secretary, in behalf of a public meeting of the inhabitants of the District of Talbot.

By Mr. Stevenson,--The Petition of Josiah Bowerman and others.

Petitions  
read.

Pursuant to the Order of the day, the following Petitions were read:--

Of E. Cartier and others, and of E.L.R.C. Desprès and J.F. Tetu, all of the Parish of St. Hyacinthe; praying that the Petition of certain inhabitants of the Village of St. Hyacinthe for the incorporation

(174)

of the said Village and the extension of the limits thereof, be not granted.

Of Joseph Sauvageau and others, School Commissioners of the Municipality of Deschambault; praying for certain amendments to the Education Law, with reference to their powers and obligations.

Of Mrs. Sophie B. Rousseau and others, of the Parish of St. Pierre and St. Paul, County of Saguenay; praying for the passing of an Act to legalize certain Actes or Contracts passed before the late François Sasseville, Notary, but defective in law from the want of his signature or that of a colleague.

Of the Quebec Board of Trade; praying that the proposed Bill to regulate the trade of Stevedore at the Port of Quebec, may not pass into law.

Local Agents  
for the sale of  
Crown Lands.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 7th instant, praying His Excellency to be pleased to cause to be laid before the House, a Statement of the names of all the Local Agents for the sale and management of Crown Lands for the cutting of Timber in Lower Canada; the date of the respective appointments, and the amount paid to each, or the amount annually received by each, since 1844; and how much has been collected and paid to the Receiver General by each, during the same period; together with the amount of security given by the said Agents, and the names of the securities.

Appendix  
(R.R.R.)

For the said Return, see Appendix (R.R.R.)

Petition of T.  
H. Ketchum  
and others;

Ordered, That the Petition of T.H. Ketchum and others, of the Township of Cramahe and Murray, District of Newcastle; and the Petition of Charles Robertson and others, of the Parish of St. Joseph Pointe Lévy, be referred to the Standing Committee on Standing Orders.

Of B. de La  
Bruère and  
others, referred.

Ordered, That the Petition of Boucher de LaBruère, and others, of the Parish of St. Hyacinthe, be referred to the Special Committee to which is



*referred the Petition of Joseph Bistodeau and others, of the Village of St. Hyacinthe.*

*Petition of  
J. Holmes  
and others.*

*Mr. Morrison moved, seconded by Mr. Flint, and the Question being proposed, That the Petition of John Holmes and others, of Chinguacousey and its vicinity, praying for the adoption of measures to obtain a repeal of the Imperial Act relating to the Clergy Reserves, and that the fund arising therefrom may be applied to purposes of general utility, and the promotion of education, be referred to a Select Committee composed of Mr. Bell, Mr. Flint, Mr. Hall, Mr. M'Farland, Mr. Fergusson, Mr. Notman, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;*<sup>1</sup>

MR. MORRISON moved that the petition of John Holmes and others, praying the House to employ every constitutional means to obtain the repeal of the Imperial Act, which disposed of the Clergy Reserves, in order to invest them in the Crown for general purposes, should be referred to a special committee. From what he had heard during the present session, he was apprehensive that the Clergy Reserve question would be dropped, or at least that no action would be taken on it. Still he thought it was his duty to himself and his constituents to take some steps to press it on the attention of the Government and the House; and his purpose in moving for this committee was, to make a report so as to bring this subject under the attention of the English Government, and to call to it the attention of the people of U.C. It was well known that it had been the cause of discontent and dissatisfaction for many years past. The principal source of that discontent, was the manner in which those Clergy Reserves were managed. The people could not see why those lands should be taken from the public, and applied to the support of three or four religious sects, and they naturally expected that when a Liberal Administration is in power, many of whom have protested for years against the application of the Reserves to their present purposes, they would take some steps in the matter. It might, and no doubt would, be said that this question had been already settled, but he denied this. It was true, that Lord Sydenham had got a majority to pass the Act which is now in operation; but according to his statement, in his despatches, it would be seen that he only obtained it by a small majority, and with the greatest difficulty, and that if some of the members had not set out for their homes, the bill would never have been carried. Farther back, in Sir John Colborne's time, a majority of the House protested against the application of the Reserves to the support of a dominant Church, and he intended to base his report on the resolutions passed during that Parliament. The reason for his doing so would be to calm the minds of the people of Upper Canada, who have for years looked upon these Reserves as the means of corrupting the ministers of religion, by inducing them through interested motives to support the Government. It would no doubt be a difficult matter to induce the Imperial Parliament to make any change, as he knew that there was a strong feeling in the House of Lords against such a change; but if hon. members would refer to the debates in the House of Commons, they would there find that Lord John Russell, and several other members of the House of Commons, in the discussion of the Imperial Act, expressed their fears of its stability, and that a good deal of stress was

laid on the fact, that but one Canadian Parliament had reported in favour of this appropriation, and that only by a majority of one. That being the case, and looking at the fact, that during the elections for the last thirty years, the people of Upper Canada had always been desirous of withholding from the Government, the power of corrupting particular religious sects, he was most desirous of having this petition referred; not because he thought any consequence would ensue, but as an evidence to the people that their representatives were determined to have it settled on satisfactory grounds. He had a particular reason for so doing. He had found that an impression had gone abroad, through Upper Canada, that the Act introduced by the hon. Commissioner of Crown Lands, to set aside lands for the endowment of schools, was intended as a sop to the Clergy Reserves question. He wished to show that was not the case, and by referring this petition to convince the people of Upper Canada that the Ministry had no intention to give the question the go-by. As might be expected, it had been the great topic at the last general elections, together with the College question. The feeling on the latter he had no doubt would be allayed this session, but he could not say as much for the other, which if possible excites still greater feeling, as it affects thousands of our fellow subjects who after years of hard toil found that when they wished to purchase, the price was raised twenty-five per cent without the slightest notification. That was a great injustice that those people had to complain of. He had no doubt it would be said that the price was too low; but it should be borne in mind that those people have had great hardships to contend with, and that the sudden increase of twenty-five per cent, by an order in Council was not the best way of allaying previous excitement or discontent. It should also be borne in mind that those Clergy reserves had at best been applied to the support of one religious body, but that after a great deal of wrangling, and fighting, a division for party purposes had been made with another sect, and as many of the other sects as chose to apply for a share. But the feeling against any union of Church and State, and the determination not to submit to such a union were so strong, that he did not believe a single one of those sects made the application. With such views he thought he would best do his duty to his constituents, by pressing forward his motion, and therefore hoped that the Government would not object to it.<sup>2</sup>

MR. SHERWOOD would like to know if the Ministry were prepared to allow a Committee to be appointed, which was likely to disturb the existing settlement.<sup>3</sup>

MR. COM. CR. LANDS PRICE said it was a source of satisfaction for him to hear the liberal views which his hon. friend, who introduced the motion, expressed; but while he agreed with all that had fallen from him, he (Mr. P.) was sure that<sup>4</sup> the hon. gentleman on reflection, would see the propriety of allowing the Government to take this matter up at the time when it should be found most proper to do so. He (Mr. Price) held it to be the duty of the Government to settle this question, but surely the hon. member knew it could not be settled by the House; all that could be done was to negotiate the question with the English Government. For his own part he held, that preference to one religion was persecution to the rest and on that account he had been and always should be opposed to the present arrangement. He could not help making an observation on the remarks made by the

hon. gentleman relative to the appointment of lands for school purposes. It had been said that that apportionment was merely intended to blink this great question--that it being carried would be an argument for not settling the Clergy Reserves. But should he now be told that he should stand still in the plan for giving means of education to the people of Canada, merely because a question which had agitated the country for years was still unsettled? Was he to be told that he would act against those principles which he had always professed. The man who would say so could no (sic) nothing of civil and religious liberty. The Government had determined to make that appropriation, because they feared that unless it was done the land would be wasted and the property destroyed. Posterity would thank the Government for the ample provision it had make (sic) for the deucation (sic) of the people, and the insinuation made relative to this subject could not be thrown out by any man whose mind was properly regulated or under the influence of the principles of the gospel. The hon. gentlemen knew that if he got his Committee, he could learn nothing; he had already told the House the whole history of the clergy reserves--how they were settled--how unfair the settlement was--how that settlement was unjust and impolitic--and how it ought to be settled in a satisfactory manner. The one report of the Committee must be that the question was settled for the benefit of some churches to the prejudice of all the rest. Now would it not be better to let the Government deal with the question when it was found most convenient, by ending one of the most harrassing subjects that ever agitated a community? The hon. gentleman knew he could not go past him (Mr. Price) in these principles, and no man could accuse him of changing his opinions whatever might be the risk. The Government would take every means in its power to settle this question; but if a Government possessing the confidence of the country cannot settle a question like this, the proper way would be for hon. members to withdraw their confidence. But the hon. gentlemen he knew had confidence in the Government, and believed it would take the earliest means to adopt those views which from time immemorial had been expressed by the people of the country.<sup>5</sup>

MR. MORRISON believed that the Ministry were willing and eager to<sup>6</sup> do what they could to carry out the wishes of the people of this Province, but the question was, whether the people of Upper Canada were aware of this.<sup>7</sup> And the principal reason he had for getting a Committee, was to show the people of Upper Canada that the Ministry were not opposed to the settlement of the question<sup>8</sup>. At present they doubted a little, because the question had been constantly mooted at each election without anything being done. The remarks of the Hon. Commissioner of Crown lands, however, would do much to satisfy the people, and he would have done good to the people if he had only elicited those remarks. The whole business of the reserves, their management, and the disposition of the money, were all complained of. In some counties, as in Waterloo, there were many townships that consisted entirely of Clergy Reserves, and there were great difficulties there about the settlement of the country; but there was a still stronger feeling in the minds of reflecting men arising out of the religious question. He was a friend of civil and religious liberty, and did not choose to support two or three State Churches to corrupt the clergy and make them lazy, instead of depending on the people. Dissatisfaction would never cease till the clergy reserves were settled. Every year added to the difficulty, for vested rights were constantly springing up, till it would be impossible to



meet them. Taking the words of the Crown Lands Commissioner to express the views of the cabinet, he was willing now to withdraw his motion, in confidence that during the recess means would be taken to put this question on a proper footing.<sup>9</sup> OR He was very unwilling, indeed, to withdraw his motion, and he hoped the Ministry would allow him to have a Committee.<sup>10</sup>

MR. J.S. MACDONALD (Glengarry) said he did not know but that the Ministry should allow the reference, because he did not see any harm which could come from it. There was<sup>11</sup> great disappointment in Upper Canada relating to this question<sup>12</sup> in the part of the country which he came from, about the dilatoriness of the Ministry in approaching this question.<sup>13</sup> It was one of the most difficult that Government could deal with, for vested rights were growing up,<sup>14</sup> and he thought the Ministry should be fortified in any proceedings they took in reference to it, by Petitions from all parts of the Province; and he thought, that before the Ministry grappled with the question, they should have the views of the country expressed upon it once more; and he trusted that the Ministry would prepare some measure, during the recess, to show that they were determined to get the question settled without delay, for if there was one question more than another, it was the Clergy Reserves, along with the Rectories and College questions, which agitated the country most.<sup>15</sup> The storm which passed over the House when the rebellion losses came up, was nothing to that which would be raised by an opinion getting abroad that this question would remain unsettled.<sup>16</sup> The College question would come on in a few days, and if it was not settled then, it never would be settled.<sup>17</sup> He (Mr. McD.) would ask whether these religious endowments were not the point on which the elections turned in many counties. It was well known, he was very sorry to say, that before they came on, the Roman Catholic Bishop of Kingston had issued a manifesto, advising his Clergy to oppose the election of any men who would vote against the last University Bill. This question of the Reserves had been agitated since 1828, when the thing was taken up by Mr. Morris; but now that party was not so much in favour of it. However, the people of Upper Canada would not be put off, so long as there was any church supported by law. The people of Upper Canada probably relied more on the Commissioner of Crown Lands than on any other person in the Cabinet.<sup>18</sup> The motion which had been made, had drawn forth an expression from a Minister of the Crown, which would be believed by the country; but if the people of Upper Canada did not find that any movement had been made by next Session, he would tell them, that their supporters would be very much diminished in number<sup>19</sup> and, at least as far as his vote went, would soon be withdrawn.<sup>20</sup>

MR. H. SHERWOOD (Toronto) had not the slightest doubt that the Government would dwindle away, and in fact go down altogether, when the hon. member for Glengarry withdrew his support from it.<sup>21</sup>

MR. J.S. MACDONALD (Glengarry).--"My support would have kept you in office." (Hear.)<sup>22</sup>

MR. H. SHERWOOD continued:--Well, the hon. member never had any inducement offered him to give his support.<sup>23</sup>

MR. J.S. MACDONALD.--"You know better."<sup>24</sup>

MR. H. SHERWOOD repeated that no inducement had ever been held out to the hon. gentleman, and consequently it was impossible for him (Mr. Sherwood)

to say what effect such an offer would have had. Now, respecting the Imperial Statute,<sup>25</sup> ((he)) had always considered the Imperial Act, which was based upon the Act passed in U. Canada<sup>26</sup> introduced by Lord Sydenham's Government, and the act framed has ever been the law of the land, and<sup>27</sup> he had heard of no excitement about the question since<sup>28</sup>. The greatest excitement since the passing of that Act, was when the Church of England petitioned that the share of the Clergy Reserves to which she was entitled, should be given over to their own management, because it was laid to waste,<sup>29</sup> was very expensive.<sup>30</sup> That wish of the English Church was resisted; and the hon. member for the Fourth Riding laid a large number of petitions on the table to shew the feeling in Upper Canada against the proposed change. Well, the only feeling in that case was the dislike of the people to put into the hands of any religious body the management of public lands.<sup>31</sup> He (Mr. S.) never heard him state that it was intended to make any alteration in the settlement of the land<sup>32</sup> as fixed by the Imperial Statute.<sup>33</sup> But now it seemed that the supporters of the Ministry, out-of-doors, were urging it upon them to make some alteration<sup>34</sup> of the provisions of the Imperial Statute. Well, if anything of this kind was to be done, he would rather see it referred to a committee, who would report on it openly, and let the people know what was going to be done, then (sic) leave it to the secret negotiations of the Commissioner of Crown Lands. He was not disposed to let the Government take that course. (Hear, hear.) He wanted to see them come forward and state openly what their views were on the subject; and he therefore hoped that the motion of the hon. member would prevail.-- He did not think that it was enough to induce the hon. member to withdraw his motion, for the hon. Commissioner of Crown Lands to rise in his place and say "Leave it to me, and I will settle it all." That was as much to say that the hon. gentleman would use the influence in his hands as a member of the Cabinet, to induce the Imperial Government to repeal the statute, without the people of Canada knowing anything about their movements. The course of the hon. gentleman who introduced the motion was far more manly, and he hoped he would adhere to it. Now, with regard to the division of the Clergy Reserves, he had been in favour of a repeal of that part of the statute which placed the resources entirely at the disposition of one sect, and the act which had been passed in accordance with his views, which he had hoped would be a final settlement of the question; but he had since found that no arrangement could be satisfactory where so many interests are to be consulted. In conclusion, he had only to express a hope that the hon. member would persist in his motion.<sup>35</sup>

MR. NOTMAN said the question then under consideration was the all important question of the session; and the people of Upper Canada looked forward to it with more anxiety than to any other subject which could be introduced into Parliament. The attention of Government had been called to it by more petitions, and those signed by a greater number of persons than any other subject which had engaged the attention of Parliament, without even excepting the rebellion losses; and the people who had sent those petitions to them had done so with the anxious desire that this irritating question might be at once settled. Not only the present, but former Parliaments had had their attention directed to it, and yet all their remonstrances had been neglected as yet. The people now demanded, and they had a right to expect, that redress would be given to them, and that the mere mockery of reading their petitions and then dropping them into a basket, should be no longer carried on. Such a course was to the last degree disreputable.

Coupled with the question of the Clergy Reserves, was also the question of the Rectories, and he would say confidently that the Rebellion Losses Bill, out of which hon. gentlemen had attempted to make so much political capital, did not cause so much excitement as the two others. And if the people found that, from the apathy of the House, or from the supposed inviolability of an Act of Parliament, two churches were alone to reap the benefits of the Clergy Reserves, they would not, he was sure, remain tranquil, (hear,) or submit any longer to their domination. At the same time, he was sure that if there was any man in the House who was ready to respond to the call of the people of Upper Canada and to put all the churches on an equal footing, it was the hon. Commissioner of Crown Lands; and when he took it in hand, he would do it cheerfully and effectually. But he could not concur in the hon. member's call on his hon. friend to withdraw his motion, for it had been so long before Parliament that he could no longer consent to delay it. The House had been in session now two months, and it was high time that some evidence should be given to the people that their petitions would be taken up. What injury could it be to the Government to grant the Committee?--Would it impede or embarrass their measures?--<sup>36</sup>

MR. INSP. GEN. HINCKS.--Yes.<sup>37</sup>

MR. NOTMAN.--If so, he would not desire to go on with it. But he could not conceive how the report of a committee would embarrass them; he should rather think it would considerably lighten their burthen. The hon. member had appeared to sneer at the motion, as though he were confident in the position of his church, and would resist any attempts to interfere with the present arrangement.<sup>38</sup>

MR. SHERWOOD said he was quite certain the report of the Committee would be in his favour.<sup>39</sup>

MR. NOTMAN was glad to hear the hon. gentleman say so. In that case it would be better to go on, as the report of the Committee would set at rest all complaints. With regard to the Rectory question, he was desirous of its being settled as speedily as possible. He had given a vote on that question last session which he would regret to the end of his life. A bill had been introduced by the hon. member for London, to allow the Rectory and Church Wardens of the town of London to sell a certain portion of the Clergy reserve, and it passed without opposition. By the power vested in them by the bill, the Church Wardens sold a portion of the Rectory for £27,000, and thus he had aided in giving a legal sanction to the establishment of a rectory, which he found would long stand as a monument of their folly (sic).<sup>40</sup>

MR. WILSON explained to the hon. gentlemen that the Church Wardens had sold a whole and not part of the rectory. The price was somewhat over £6,000.<sup>41</sup>

MR. FLINT said he had seconded the motion of the hon. gentleman who introduced it with all his heart, as he was anxious to see a satisfactory settlement of this long disputed question. He was aware that there was a division in his own church among the ministers and the laity on this question, and that a small minority of each was inclined to take advantage of the inducements held out to them under the present system, but if they touched a single farthing it would be the means of bringing about the



disolution (sic) of their church. Their system was to support their church by voluntary contributions, and when any other system was adopted he would feel very little pleasure in communicating with it.<sup>42</sup> He was against Churches receiving any assistance from the State, and ... he was, therefore, against giving them any lands whatever.<sup>43</sup> He was glad to see the time come when this question might be settled at last. He had called the attention of the Government this session to the case of the Indians of Tyenden-aga, who he thought had been treated very harshly when one-seventh of the lands given to them by Government for their support was taken away, in order to contribute to the support of a Church. It was, in his opinion, a gross abuse. But that was not all; he had received petition after petition (sic), calling the attention of the Government to the fact, that an increase of twenty-five per cent. had been suddenly made in the price of the Clergy Reserves. Now, the hon. member for Toronto declared that he was opposed to any secret negotiations with the Imperial Government, but he would tell that hon. gentleman that some secret correspondence had already been carried on, on the very fact of this increase of twenty-five per cent., and it was in consequence of that, correspondence had been carried on by the late government, or the Government of the day, he, of course, could not say, but it ended in a complete robbing of these parties who had settled on the Clergy Reserves, and were struggling to pay their back rents, and purchase their title deeds. Another description of injustice to those parties, was that some of those lands were not intended for sale, and parties living on them were prevented from purchasing their patents, and thus claiming their right to the elective franchise (sic). These all needed amendment, and he was satisfied that if the Government did not take the subject up, they would feel the consequences of their neglect at every hustings at the next election in Upper Canada. He would not say himself that he would desert them, as the hon. member for Glengarry had done, for he was always ready to support them when they introduced any good measure, but they (sic) would be a great deal of dissatisfaction expressed. From the tone of the hon. member for Toronto, he supposed that he was prepared to uphold the present arrangements as just and equitable, but he could assure him that the people of Upper Canada did not think so; and from letters that he had received he was convinced that a large proportion of the members of the Church of England were in favour of the voluntary contribution system. In fact, the English Church in Canada would never be in a sound and healthy condition until she adopted it.<sup>44</sup>

MR. INSP. GEN. HINCKS was not astonished at the course taken by the hon. member for Toronto. There could be very little doubt<sup>45</sup> that when the hon. member for Toronto supported the motion of his friend of the Western Riding of York, he was exceedingly anxious to have the Committee appointed and the Clergy Reserves question reported on. The course taken by the hon. gentleman did not astonish him at all. Now, with respect to the allusion made by the hon. member for Middlesex to the Government, he could tell that hon. member that the Government did not yield to him or any other man in their opposition to the present arrangement of the Clergy reserve question, and in their anxiety to put it on a more favourable footing. They had proved that by their past conduct on every occasion when that question came before them--Therefore in asking that they should not be pressed this session with a measure of such vast importance, and which differed from every other question--for, as the hon. member for Middlesex was very well aware, it was an

Imperial Statute, and could not be repealed by an act of the Canadian Parliament, and, therefore, the report of the Committee could have no effect.<sup>46</sup>

A member.--They could report an address to the Imperial Government.<sup>47</sup>

MR. INSP. GEN. HINCKS.--Well the Government was not prepared at the moment, and hon. members would themselves be aware that this was a matter in which initiation should be taken by the Government and not by a private member. Such being the case, he did not think, as he had been about to observe, that the Government were asking too much from their supporters, to allow the question to remain in their hands. (Hear, hear.) The hon. gentleman then, after saying that he concurred fully in the remarks of the hon. member for Hastings, respecting the injustice of the increased price of the Clergy Reserves, went on to say that they were appraised throughout the Province, by parties chosen for the purpose from people of different political opinions and different religious opinions, when he was in office in 1843, and Mr. Murray, late member for the County of Hastings, and the hon. member for Simcoe, both ((had)) borne testimony to the impartiality with which the appraisement was conducted. Nevertheless a great deal had been said respecting the low rate at which they were apprised (sic) in his own county. Now who were the appraisers in his county? He would mention their names and then hon. gentlemen would be able to judge how far there was any partiality. One of them was the uncle of Mr. Carroll, who had been returned to take his seat for the county at the late elections, an old Magistrate a strong Conservative, and a member of the church of England. The other appraiser was a gentleman of highly respectable character of the name of VanNorman.<sup>48</sup>

SIR A. MACNAB.--Was that Colonel VanNorman?<sup>49</sup>

MR. INSP. GEN. HINCKS.--Yes; it was Col. VanNorman. He was of the Methodist persuasion, and a Reformer, whilst the other gentlemen (sic) was exactly the reverse. Well, they went over the whole of the district, to appraise those lands, and he believed they did it impartially; and yet because some remarks were made by other parties that some of the lots were worth more than the price which they had been appraised at, the late Government put on 25 per cent in addition. He trusted his hon. and learned friend from the West Riding of York would consider the matter, and not press the reference of this petition to a committee.<sup>50</sup>

MR. NOTMAN rose to assure the Inspector General, and the members of the Cabinet, that he had never entertained a doubt of their desire to meet the wishes of the great body of their supporters. He wished it to be distinctly understood that he imputed no blame or direlection (sic) on the Ministry.<sup>51</sup> But he must tell them that he expected that no delay should occur in settling this question.<sup>52</sup>

MR. ROBINSON regretted that this question was not considered already settled.<sup>53</sup> Hon. members opposite said that the whole country was agitated on this question.<sup>54</sup> He (Mr. Robinson) could only say it was not so in his part of the country. As to people being so anxious to have this question settled he denied it, because the people considered that the question was settled already. The hon. member for Middlesex spoke of these reserves having been given to an "isolated sect."<sup>55</sup>

MR. NOTMAN had said so.<sup>56</sup>

MR. ROBINSON.--And that it comprised a small portion of the inhabitants of Upper Canada.<sup>57</sup>

MR. NOTMAN had said it was a large body, at least he did not mean to say it was a small body.<sup>58</sup>

MR. ROBINSON.--Why then had the hon. member said it and let it go forth to the country; he had certainly said it, and said it in a most offensive manner.<sup>59</sup>

MR. NOTMAN.--I did not mean it.<sup>60</sup>

MR. ROBINSON.--He contended that the Church of England was a very large and respectable body, throughout Upper Canada. This question had been settled by Lord Sydenham, who hon. gentlemen opposite must admit was a good friend to Upper Canada. It had been settled by a majority of the members of the Upper Canada Parliament of both parties,<sup>61</sup> by as competent a tribunal as it could ever be settled by--and he would be sorry to see the settlement disturbed, because there never could be a more satisfactory settlement made.<sup>62</sup> That settlement would be final and satisfactory unless hon. members went about the country agitating upon it.<sup>63</sup>

MR. MCCONNELL.--The hon. member for Middlesex had said that he had no doubt the Administration would take steps to meet the views of their supporters. He (Mr. McConnell) did not consider that this was a party question,--it was a question interesting the whole country. (Hear, hear.) He thought it was a mistake in the British Government granting these lands in the manner they did, or, in other words, seeking to unite the Church with the State. (Hear, hear.) That system might have succeeded in the old world, but in America it never could succeed. (Cheers.)<sup>64</sup> The granting of those lands had already inflicted much evil in the country in the Eastern Townships as well as elsewhere,<sup>65</sup> by retarding their settlement, and in many other ways. The Clergy of the Church of England had been prevented from doing a great deal of good which they might otherwise have done, by this Clergy Reserves question, because it had soured the minds of the people against them. (Hear, hear.) It has retarded the settlement of the country, and though now these lands were brought into sale, yet in many cases the back rent amounted to much more than the price of the soil, which was considered a grievance, and prevented many persons from procuring land. He hoped that the Administration would set the thing on a proper footing, and recommend that a portion, if not all the back rent be taken off. (Hear, hear.)<sup>66</sup>

MR. WILSON desired that the hon. members from Lower Canada should understand the terms in which the hon. gentleman had been speaking of "the people" of Upper Canada par excellence.--He would call the attention of hon. members to the census, and should state in round numbers what the proportions were of religious bodies. The whole population according to the census was 700,000, and they were divided in this way:--

Church of England, . . . . .	166,340
Church of Scotland, . . . . .	65,762
Church of Rome, . . . . .	119,810
Free Presbyterian Church of Canada, . . . . .	62,690
Other Presbyterians, . . . . .	19,730
Methodists, . . . . .	137,752



Baptists, . . . . .	28,053
Lutherans, . . . . .	7,186
Independents, . . . . .	5,933
Quakers, . . . . .	5,951
Universalists, . . . . .	2,196
Unitarians, . . . . .	678
Menonists, . . . . .	4,617
Other Denominations, . . . . .	13,543

Now of the 700,000 inhabitants, the hon. member for Middlesex, who spoke for Upper Canada, only represented 62,690. He would inform the hon. members for the lower part of the Province that until within a few years, the Church of Scotland and the Free Church of Canada were all members of the same church. Some disputes took place in the Church of Scotland, on the question of patronage, with which the church here had nothing whatever to do; but different portions of the church here sympathising with the different parties in the church at home split off, and a Free Church was formed distinct from the Church of Scotland; and they now declaimed against that church with all the bitterness of sectarian zeal, and with as much ardour as against any other sect. He (Mr. Wilson) had no doubt an agitation would be carried on on this question; where it would end, he could not say. The hon. member for Middlesex spoke with great warmth on this question, because he had agitated on it, and made political capital out of it, and in pressing it with all possible ardour, he was only carrying out the pledges he had given to those of his constituents who agreed with these views; but he (Mr. Wilson) believed that if the hon. member were really and candidly to state his opinions, they would not accord with those he professed. But before this question was agitated with a view to being settled, he trusted that hon. members would inform themselves on the point of statistics, and they would then see that those who called themselves "the people," were not the people<sup>67</sup> but a very small minority of the people.<sup>68</sup>

Several members called out "A very large majority."<sup>69</sup>

MR. WILSON.--He repeated that a very small minority complained on this question.<sup>70</sup>

MR. COM. CR. LANDS PRICE.--The Church of Scotland, the Presbyterians, the Methodists everywhere, and a great many members of the Church of England.<sup>71</sup>

MR. WILSON.--That arose from other causes, which it was unnecessary for him to explain. (Ironical cries of "hear, hear") The hon. member then went on to complain of the composition of the proposed Committee, which he contended was selected from a few particular sects, and was not such a committee as was fit to settle this great and important question. The hon. member for Middlesex had told them that this question would never be let rest until it was finally disposed of; but how, he would ask, was it to be finally disposed of? Would the hon. member inform the house?<sup>72</sup>

MR. NOTMAN.--By taking away the reserves from all churches. (Hear, hear.)<sup>73</sup>

MR. WILSON.--He asked hon. members if this could be done upon any principle of right, expediency, or anything else. He contended there was not a man in the house who could get up and say how it could be done. He defied

any hon. member to stand up and announce a system in detail by which it could be done. (Hear, hear.) If hon. gentlemen were not prepared to do it, then all this agitation would be useless. Hon. members should hold their tongues unless they were prepared to lay before the house a scheme by which justice could be done, consistently with the principles of taking the reserves away from any one. Let some hon. member who had mind enough to grasp this great question project a measure and bring it forward; but, unless some man had a sufficiently powerful mind to do that, what was the use of agitating the question--(hear, hear)--or of referring it to a committee like the one proposed? He knew that this was a question out of which a great deal of political capital could be made, and had been made for many years past; but let any hon. member show how this question could be fairly and equitably settled, and he would, indeed, deserve well of his country. (Hear, hear.)<sup>74</sup>

MR. FLINT said that the census was inaccurate. The number put down for the Church of England was far larger than it ought to be, because people who belonged to the Church of England put down their whole household as belonging to that body, when very often the servants were Methodists or Roman Catholics; moreover many of those who did not give their names as belonging to any particular body were put down as Church of England, when they really were not so. This had been the case in his (Mr. F.'s) neighbourhood, and he dare say it had been so elsewhere.<sup>75</sup>

MR. NOTMAN.--The House having given him leave to speak again--begged to assure the hon. member for London that he did not speak in behalf of any particular church, but on behalf of the churches and congregations which had petitioned the House. He begged to repel the charges made against them by the hon. member for London, of being governed by sectarian bitterness since the disruption of the Church of Scotland in 1843, and the formation of the Free Church. He maintained that the Free Church had acted nobly on that occasion, and given manifestation of a desire to uphold the Christian religion in a manner and spirit that were highly creditable to them. (Hear, hear.) Look at their conduct as compared with that of the people from amongst whom they came out. They had from time to time contended against the exercise of patronage which had polluted the Church of Scotland, and rendered the mere tool of the State, and destroyed the objects for which the church was instituted; and when they could no longer submit to the interference and controul of the State in that Church, whose rule and Government were established when Scotland consented to the Union--it was on the express understanding that the internal government of their church should be above and superior to all human tribunals. The last point on which Scotland yielded was, that the government of her church should be held sacred and inviolable; but when it was discovered that the question of patronage went on from year to year, making encroachments on that which they held most sacred, they would no longer remain in a connection which would degrade them in the eyes of the whole Christian world; and what was the sacrifice they then made? Was it a mere trick to get Clergy Reserves--State pay? No; they would rather than sacrifice their consistency and standing as Christians, yield--and yield with willing hearts--those glebes--those manse, in which many of them had sojourned nearly 60 years, and from which some were carried on the bed of sickness. The Free Church of Canada sympathised (sic) with these men, and in the sacrifices they made. The effect of the Free church

was beginning to be felt throughout the religious world, and was even now extending itself to the great Church of England. The secession of one of the noblest of that church--the Rev. Baptist Noel--would produce revolution in that church, which could conduce to the welfare and prosperity of the religion of our savior. This question would shake the English Church to its foundation, and they would find that many of the most eminent men in that church were satisfied that the connection with the State was an unholy alliance; and the day was not far distant when the Christian religion should be freed from all the incumbrances and trammels that the State could throw around it, and pure and undefile (sic) religion be prospering in the land (Cheers.) It was no sectarian bitterness which actuated the noble band who seceded from the Church of Scotland in 1843, but a holy and noble purpose and aim, such as should pervade all Christian men. They did not desire to speak with sectarian bitterness of those with whom they had formerly acted, but they protested against their attempting to attain a higher place in this country than the Free Church.--(Hear, hear.) They protested against introducing into a young and rising country like Canada, whose population was year by year increasing to such an unprecedented extent, all those elements of discord which must and will arise from the preference given to one church over another. The hand of justice should be extended to them as freely as to the more favoured sects. Were they more holy, more pure, or more royal, that they were to receive a portion of that property which belonged to every man in Canada, independent of his creed? It was this favouritism, this unjust distinction, which had soured and disgusted a large portion of the people of Canada. (Cheers.) If hon. members would cast their eyes back to the history of the country they would see that ever since we had a Government at all, a desire had been manifested to establish the Church of England as the dominant church in this country. (Hear, hear.) From the time we first had a Government there was no office of emolument or responsibility under the Crown but what was invariably filled by members of the Episcopal Church. The first Chief of Justice of Upper Canada was an Episcopalian, and all the Justiceships from that time down to the present moment had, with one solitary exception, been filled by members of the English Church. (Hear, hear.) Look at the Sheriffs, the Clerks of the Peace, the Registrars--take all the offices to which emolument was attached--and he ventured to assert that nineteen-twentieths of the incumbents were members of the Church of England. He might be told it was by mere accident; he could only say it was a most wonderful accident. They would find also that even on the Commission of the Peace in early days, and up to a late period, the majority of the magistrates were members of that Church. Look back to the legislation of the country, and they would find that there also was a preference given to the Church of England. A high churchman, and a well known politician, had stated in his place in Parliament, "our clergymen are not, like your clergymen, compelled to obtain licenses to perform the marriage ceremony, from the contemptible Court of Quarter Sessions." Did not all this show that there was a desire to establish the Church of England in Canada? That feeling was still in existence, and the manifestation they had heard from the other side of the House, showed that the hon. members still desired the preponderance of that Church. Against that manifest injustice the voice of Canada was raised. It was not 62,000 people governed by "sectarian bitterness," but other churches--that, for instance, to which the hon. member for Hastings belonged (Methodist); and many members



of the Church of England were ready at this moment to join in asking equal justice to all Christian denominations, and it was desirable for the peace and tranquillity of the country that the question should be at once and for ever set at rest. (Hear, hear.) Religion was not a matter in which Governments and Legislatures could rightly interfere--it was a matter between man and his Maker--between the creature and the Creator, and no man had a right to say which religion should be encouraged, and which put down. On behalf of all who would not desire to see one church rising at the expense of another, he hoped that for the peace and prosperity of Canada, and for the sake of justice to all mankind, that such action would be taken on this subject as would finally settle it. Then should we have peace and tranquillity throughout the Province, but so long as one portion of the community was unfairly dealt with, discontent would arise in the country.--(Cheers.)<sup>76</sup>

MR. RICHARDS, after alluding to the incorrectness of the last census on these matters, went on to say that he should like to ask the hon. member who made this motion, and the hon. member who declaimed so eloquently on the subject, whether they had confidence in the Administration or not--whether they believed that the gentlemen who now occupied the Treasury Benches, were entitled to their confidence? If not, then their course was a right one, and they ought to vote for this motion and insist on its being carried; but if they had confidence that the ministry intended to do what they said they intended to do, that they were honest and sincere, then why take the matter out of their hands? Under these circumstances, he (Mr. Richards) was not prepared to vote for the motion. No man acquainted with his political principles would for a moment doubt that he (Mr. Richards) was in favor of perfect civil and religious equality to every man in the country, but in dealing with this question other matters must be taken into consideration. If this measure could be decided by this house, they might bring it forward, and insist on the government at once coming down and settling the matter; but the decision of this question must depend upon negotiation and correspondence with the home government, and hon. members must therefore see that it could be much better effected by the plan proposed by the ministry, than by forcing the matter into committee now. He would therefore recommend his hon. friend to withdraw his motion; enough had been said to satisfy the party in the country who desired to see this question settled, that the attention of the government had been strongly drawn to the subject, and that they would see the necessity of taking those measures for the settlement of it which would be satisfactory to the great majority of the people of Canada. (Hear, hear.) He (Mr. Richards) had not exactly understood his hon. friend from London; did he mean to declare that the Church of England composed the majority of the people of Upper Canada?<sup>77</sup>

MR. WILSON explained, but owing to the buz (sic) of conversation going on under the Reporter's box, an inconvenience to which we are often subjected, we were unable to catch what fell from the hon. member, or to understand distinctly either of the hon. members.<sup>78</sup>

We understood MR. RICHARDS to say further that the settlement of the Clergy Reserves, and the apportionment thereof, had not given satisfaction at all in Upper Canada, and that they ought to be devoted to purposes of general and unsectarian education.<sup>79</sup>

MR. J. SMITH (Durham), who was, partly from the same cause, and partly

from the low tone in which the hon. member spoke, quite inaudible in the Reporter's box, next addressed the house; we believe the hon. member was urging the withdrawal of the motion.<sup>80</sup>

MR. MORRISON briefly replied to some of the speakers, and then requested permission to withdraw his motion.<sup>81</sup>

MR. AT. GEN. BALDWIN wished to say a few words before the motion was withdrawn. His hon. and learned friend had exercised a sound discretion in withdrawing his motion. He (Mr. Baldwin) was far from objecting to the motion having been made. He thought the hon. member, in bringing on this discussion had done an essential service to the object he had in view. The Government had no desire to prevent this discussion, because the discussion of great questions of this kind had the effect of exciting the opinions of members, and thus laying before the House and the public the views of the different constituents represented. The objection was to the mode of bringing it on adopted by the learned member, which might have the effect of embarrassing the Government, when considering the subject with a view to taking action upon it. It was quite a mistaken notion that subjects brought under the notice of the House by petitions, could only be taken up by means of a committee. An hon. member need only refer the subject to a committee when the views of the Government were hostile to his own; but when the Administration were in favour of his views the proper way was to bring forward resolutions on the subject in the House. The only legitimate use of a motion of this kind was to elicit discussion, and that object having been obtained, he was glad his hon. friend was about to withdraw his motion. With regard to the question itself, it was one which no Ministry, and in fact no member of the House could approach with the eye of a statesman without feeling its great difficulty and importance. As had been stated by his hon. friend from Leeds, this question could only be disturbed by the action of the Imperial Parliament. Therefore, those who complained that the Ministry had not occupied themselves with this question, instead of the other important questions, which they had brought before Parliament, forgot that they were complaining of the Ministers not doing that which, in point of fact, they had no power to do. (Hear, hear.) This question could only be acted on by means of communication with the home Government, and it was therefore much more importance (sic) that the ministry should occupy their time and attention with those other great questions on which we could constitutionally legislate. The hon. member for Toronto referred to this question as one which had been settled, but the hon. member forgot that this question had been treated as an unsettled question by the very party whose cause he affected to sustain. The presentations of the petitions from members of the Church of England by the hon. member, was an admission on their part that the question was not a settled question, because they were asking Parliament to unsettle the very provision of the Act of the Imperial Parliament, by which they now alleged the question was settled--they were the first to commence an agitation for the unsettling of this question. The hon. member for London had spoken and very justly, of the obligation which the country would be under to any statesman who, taking up this question in an enlarged and just view, was able, really and, finally, to settle it. But to what did that remark amount? Did it not admit that even in the estimation of the hon. member for London himself, this was not a settled question. (Hear, hear.) When he looked back to the excitement and

irritation it would produce hereafter, he confessed he shrunk with some alarm from the consequences of that excitement. But that was no reason why the Government of the day should shrink from meeting the question as statesmen. Those who imputed to the Ministry an unwillingness to meet this question, and a disregard to public opinion, judged them unjustly; all they asked was that the measure should not be prematurely passed, and that a step should not be taken which would have a tendency to embarrass, rather than resist, them. He considered that they had a just claim upon their supporters, both in the House and out of the House, to give them credit for good motives, and assist them by not throwing embarrassments in their way, and imputing bad motives to them. (Hear, hear.)<sup>82</sup>

SIR A. MACNAB objected to the motion being withdrawn. They had been debating the subject for four hours, and the speeches of hon. members had gone fourth (sic) to the country, and yet by withdrawing this motion they would leave no trace of the debate on the Journals.<sup>83</sup>

MR. WILSON explained, that in speaking of the Free Church and Church of Scotland, he had meant to say that those who had been brethren before felt more of sectarian bitterness towards each other than towards other denominations.<sup>84</sup>

((There was)) some further discussion on the right of Mr. Morrison to withdraw his motion.<sup>85</sup>

MR. RICHARDS moved the previous question<sup>86</sup>.

(174)

*And the previous Question being put, That that Question be now put; The House divided: and the names being called for, they were taken down, as follow:*

YEAS

*Messieurs Boulton of TORONTO, Cayley, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, Robinson, and Sherwood of BROCKVILLE.--(7.)*

NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Brooks, Cameron of KENT, Cartier, Cauchon, Chabot, Christie, Crysler, Davignon, DeWitt, Solicitor General Drummond, Egan, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Attorney General LaFontaine, LaTerrière, Laurin, Lemieux, Macdonald of GLEN-GARRY, Marquis, M'Connell, M'Farland, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Scott of TWO MOUNTAINS, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Viger, Watts, Wetenhall, and Wilson.--(52.)*

*So it passed in the Negative.*

Message from  
the Council.

Kingston Hos-  
pital Bill.

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

*Mr. Speaker,*

*The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Trustees of the*



Kingston Hospital, "with several Amendments; to which they desire the concurrence of this House: And also,

Lotbinière  
Municipalities  
Bill.

The Legislative Council have passed the Bill, intituled, "An Act to divide the County of Lotbinière into two Municipalities," with several Amendments; to which they desire the concurrence of this House:

And also,

Mill Owners  
(U.C.) Pro-  
tection Bill.

The Legislative Council have passed a Bill, intituled, "An Act for the protection of Mill Owners in Upper Canada," to which they desire the concurrence of this House.

And then he withdrew.

Canada Life  
Assurance  
Company Bill.

An engrossed Bill to incorporate the Canada Life Assurance Company, was read the third time; and an Amendment was made to the Bill.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

Report on  
School of  
Navigation.

The Honorable Mr. Laterrière, from the Select Committee appointed to enquire into the expediency of establishing a Provincial School of Navigation at Quebec, in which Pilots' Apprentices and Seamen of all classes should be taught gratuitously, and in the French and English Languages, Mathematics, and the use of Nautical Instruments; such School being provided with Books, Maps and all other Apparatus necessary for demonstrating, explaining and practising the science aforesaid, with an Instruction to the said Committee, presented to the House the Report of the said Committee; which was read.

Appendix  
(S.S.S.)

For the said Report, see Appendix (S.S.S.)

Ordered, That the said Report be printed in each of the French and English Languages, for the use of the Members of this House.

Second Report  
of Committee  
on Printing.

The Honorable Mr. Hincks, from the Standing Committee on Printing, presented to the House the Second Report of the said Committee; which was read, as followeth:--

Your Committee have agreed to make the following recommendations to Your Honorable House, in reference to the matters connected with the Printing and Binding required to be performed for the present Session:

That the Tender for Printing, of Mr. Rollo Campbell for the English, and of Mr. Louis Perrault for the French "Journals and Appendix," and of Messrs. Lovell and Gibson for the "Sessional" (they being the lowest,) be accepted: That the Tender for Binding, of Mr. Lamothe for the French Journal and Appendix, and of Messrs. R. & A. Miller for the English, be also accepted; and that written Contracts be entered into, by the several parties giving good and sufficient security for the fulfilment of the same.

That the form in which the Bills are printed should contain double the quantity of matter on the page, and that the type used should be Pica.

*That in future no Bills be printed in both languages having reference exclusively to Upper Canada, and that such Bills be printed in English alone,*

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*with French marginal notes, unless otherwise required by any one Member of the House.*

*That no work be paid for at the rate of Sessional Printing, which is not delivered to the House during the Session; and that any work not so delivered, shall be paid for at the rate allowed for the Printing of the Journals and Appendix.*

*That the Contractors for the Sessional Printing shall be entitled to perform such work as is delivered to them during the Session; and that no portion of the work intended to form part of the Appendix shall be so delivered, unless it appears to the Clerk of the House that it can be executed during the Session.*

*That in case extra copies of any portion of the Appendix which cannot be delivered during the Session be required, the same shall be furnished by the Contractors for the Appendix, at their contract price.*

*That the Printing of the Journals should forthwith commence and proceed with every possible despatch, in order that they may be completed, and in the hands of Members, immediately after the close of the Session.*<sup>87</sup>

MR. INSP. GEN. HINCKS.--He stated ((the report)) to be substantially the same as that which had been sent back by the House a few days ago.<sup>88</sup>

SIR A. MACNAB asked if it was substantially the same?<sup>89</sup>

MR. INSP. GEN. HINCKS said yes.<sup>90</sup>

Then SIR A. MACNAB maintained that it was out of order to receive a Report which had been rejected already.<sup>91</sup>

COL. GUGY said that he understood that some injustice had been done, or was intended, to the present Contractors for Printing, and he desired twenty-four hours delay to inform himself on the subject.<sup>92</sup>

MR. J.S. MACDONALD (Glengarry) said there was no contract, and it was a question that ought to be disposed of.<sup>93</sup>

Some conversation ((ensued)).<sup>94</sup>

MR. CHRISTIE said he understood there had been a contract, and was now surprised to learn the contrary. If there was no contract, then no injustice could be sustained. He recommended it for the first order of the day on Monday next.<sup>95</sup>

Agreed to.<sup>96</sup>

(175)

Ordered, *That the said Report be committed to a Committee of the whole House, for Monday next; and that it be then the first Order of the day.*

*On motion of Mr. Macdonald, of Glengarry, seconded by Mr. Smith, of Durham,*

Mill Owners  
Protection  
(U.C.) Bill.

Ordered, *That the engrossed Bill from the Legislative Council, intituled, "An Act for the protection of Mill Owners in Upper Canada," be now*

read the first time.

The Bill was accordingly read the first time.

*Ordered, That the Bill be read a second time, on Thursday next.*

Lotbinière  
Municipali-  
ties Bill.

*Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to divide the County of Lotbinière into two Municipalities," be now taken into consideration.*

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 1, line 17. After "and" insert "after the first Saturday in July next."

Press 1, line 33. After "and" insert "after the first Saturday in July next."

Press 1, line 43. After "Municipalities" insert "Clause (A.)

Clause (A.) "And be it enacted that all By-Laws of the Municipal Council of the now existing Municipality of the said Council shall remain in full force and effect as By-Laws of each of the said new Municipalities respectively, until altered or repealed by any By-Law to be passed by the said Municipalities respectively; and all monies in the hands of the Secretary-Treasurer of the said Municipality shall, after paying therefrom all debts due by the said Municipality, be divided between the said two Municipalities, in proportion to the amount levied in each respectively."

The said Amendments, being read a second time, were agreed to.

*Ordered, That Mr. Laurin do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.*

Kingston Hos-  
pital Bill.

*Ordered, That the Amendments made by the Legislative Council to the Bill, intituled "An Act to incorporate the Trustees of the Kingston Hospital," be now taken into consideration.*

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 2, line 7. Leave out from "shall" to "for" and insert "from time to time, as hereinafter mentioned, be elected."

Press 2, line 8. Leave out from "City" to "shall" in line 9.

Press 2, line 9. Leave out from "shall" to "be" in line 10.

Press 2, line 16. After "from" insert "Her Majesty or from."

Press 2, line 18. After "which" insert "Her Majesty or."

Press 2, line 33. After "Trustees" insert Clause (A).

Clause (A.) "And be it enacted, that it shall be lawful for the said City Council of the City of Kingston, immediately after the passing of this Act, and thereafter in the month of January in each and every year, beginning with the year one thousand eight hundred and fifty, to elect any three of the Aldermen of the said City to be Trustees under this Act; and the Aldermen so at any time elected, or the survivor or survivors of them, shall continue in office as such Trustees until the end of the month of January next following their election, or until the election of their successors as aforesaid, whichever event may soonest happen."

The said Amendments, being read a second time, were agreed to.

*Ordered, That the Honorable Mr. Macdonald do carry back the Bill to the*



*Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.*

Petition of  
H. Atkinson  
and others.

*Ordered, That the Petition of Henry Atkinson, Esquire, and others, of the City and vicinity of Quebec, be printed for the use of the Members of this House.*

On motion of Mr. Cartier, seconded by Mr. Macdonald, of Glenarry,  
Newspapers.

*Ordered, That the Clerk of the House do subscribe, during the present Session, for two copies of each of the following Papers, to be placed in the Reading Room for the use of the Members of the House:--The Evening Post, New York;--The Daily New York Herald;--The Albion;--The Intelligencer, and The Union, published at Washington;--The Boston Post, and The Chronotype, published at Boston;--The Argus, and The Evening Journal, published at Albany.*

Bill relating  
to the Will of  
the late R.N.  
Starr.

*Ordered, That Mr. Notman have leave to bring in a Bill to incorporate George Carruthers, H. Hogg and William Hatelie, and their successors, to carry into effect the last Will and Testament of the late Richard Noble Starr.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

MR. ROBINSON<sup>97</sup> moved for correspondence with the Imperial Government, relative to the subject of Immigration. The hon. member<sup>98</sup> brought under the notice of the House a report of the debate in the House of Lords on the 9th Feb. last<sup>99</sup> showing that information had been sent to the Home Government from this country, which had induced the people of England to believe that there was no demand for emigrants (sic), especially as there was no public works going on<sup>100</sup> and asked if any other information had been sent home than was before the House. He read from the Inspector General's memorandum on Immigration, passages proving that emigrants were desirable, and obtained ready employment in the Province.<sup>101</sup> It ought to have been known in England, that the great objection, which had prevailed two years ago in Canada to the immigration of that year, arose from the sickly character of the immigrants. It was not time that the public works of Canada were stopped, for there were many of them under contract; but he had good reason for knowing that even when those works were going on,<sup>102</sup> the men who had actually been employed on the works were not the immigrants of the season, but men from the United States who had been employed on the works there, the Contractors finding it for their interest.<sup>103</sup> The contractors were not willing to employ new emigrants (sic), because they did not understand their business. But these people went to Upper Canada, and were eagerly taken up as farm servants,--in fact some most respectable persons lost their lives in the attempt to engage these parties, having caught the infection from them.<sup>104</sup> The only difficulty that he had ever known was the general demand by the immigrant of higher wages than he was worth. (He here read from Lord Grey's speech and commented on it as he read.) He lamented that anything should have been sent home to discourage emigration to Canada, and expressed his surprise that the parishes in England should continue to pay large sums for the support of ablebodied poor, when there

was such vast tracts of wild land in Canada inviting settlement.<sup>105</sup> It was most absurd to say that there was no room for emmigration (sic) when, as it was said here the other night, there was room for four millions in the Western District.<sup>106</sup> He moved for the production of all correspondence between her Majesty's Government and the Government of this Province.<sup>107</sup>

MR. ROBINSON also read to the House a letter he had received from Mr. Harris, Commissioner on Rebellion Losses in Upper Canada, shewing that the payments alluded to by Mr. Hincks, on a previous evening, were made for provisions supplied to the Militia in Upper Canada.<sup>108</sup>

MR. INSP. GEN. HINCKS said that he did not conceive that the letter altered the question.<sup>109</sup> The opinions which had been sent home were in the first instance given by Mr. Hawke and other gentlemen, who were emigrant agents, who were no friends of the Administration. The Administration agreed with those gentlemen in that opinion, and whatever might be thought of the opinions of those gentlemen, the emigration agents, they were certainly worthy of respect. If the hon. gentleman on the other side had read Earl Grey's speech, he would have found that Earl Grey had defended Canada throughout. However it was probable that the bill which raised the emigrant tax, passed by the gentlemen on the other side, had done much to restrict the arrival of emigrants. This complaint had been most unjustly made against the Ministers, if not in the House, in the organ of the party.<sup>110</sup> He then complained of the gross misrepresentation of the opposition press particularly, of the organ of the party here. He said that settlements had been opened in Upper Canada as well as in Lower Canada, but without distinction of race, the French Canadians being entitled to go there if they liked. (He here read an editorial article from the Montreal Gazette, and commented upon it in good round terms.) He maintained that there was not the means of absorbing an unlimited number of immigrants here, and doubted if 200,000 or 100,000 were arriving that employment could be found for them. He disclaimed on the part of Mr. Lafontaine or of himself, any desire to prevent immigration. The first doubts as to the arrival of immigrants originated with the Emigrant Agents, Mr. Buchanan and Mr. Hincks, and in their opinions the Ministry concurred.<sup>111</sup>

MR. CAYLEY stated that the remarks of the hon. Inspector General did not bear on the question. The points were that all accounts from Lord Elgin, and his Council, and the Emigrant Agents, recommended emigrants not to come to Canada, but to go to New York.<sup>112</sup>

SIR A. MACNAB, with reference to Mr. Harris's letter declared that Mr. Hincks's statements on a previous evening were not correct, but he would take another opportunity of bringing up the question.<sup>113</sup> As the hon. gentleman opposite had referred to newspapers, he would refer to a letter relative to the Rebellion losses. The hon. member was about to read some papers denying that any Rebellion losses had been paid in Upper Canada, and alleging that what had been paid was merely for poultry, cattle, &c., taken for food, which would have been paid for even in an enemy's country, when the hon. gentleman was called to order.<sup>114</sup>

MR. MORIN, the Speaker decided that the discussion could not be continued on that subject.<sup>115</sup>

The motion was then granted.<sup>116</sup>

(175)

On motion of the Honorable Mr. Robinson, seconded by Sir Allan N. MacNab,

Immigration.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to be pleased to cause to be laid before this House, copies of any Correspondence that may have passed between Her Majesty's Government and the Executive Government of this Province since the close of the last Session of the Legislature, on the subject of Immigration, in addition to that transmitted, by Message from His Excellency, on the fifth instant.

(176)

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Egan, seconded by Mr. Lyon,

Surveys on  
the Ottawa.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be pleased to cause the proper officer to lay before this House, the Report of all the Surveys performed on the Ottawa and its tributaries, by whom such Surveys have been made, the cost of each, and by whom ordered, since 1st January, 1844, up to the present period; and if there are any Surveys now in progress, where, and the names of the Surveyors employed since the above period, and the total cost up to this date.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Bill relating  
to Streams in  
Upper Canada.

Ordered, That Mr. Flint have leave to bring in a Bill to prevent Mill Owners and others from restraining the natural flow of Streams in certain cases in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the twenty-ninth instant.

Bill relating  
to Causes in  
formâ pauperis.

Ordered, That Mr. Lemieux have leave to bring in a Bill to remove doubts as to the right of suing and defending Causes in formâ pauperis before the Courts of Law in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Religious, Edu-  
cational, or  
Charitable  
Institutions.

Resolved, That a Select Committee composed of Mr. Christie, the Honorable Mr. Laterrière, the Honorable Mr. Boulton, Mr. Chauveau, and Mr. Lemieux, be appointed to enquire into and report to this House what Acts, since the Union of the late Provinces of Upper and Lower Canada, have been passed by the Parliament of this Province incorporating Religious, Educational, or Charitable Institutions



therein; their several and respective titles, styles or denominations; the annual amount as Income or Revenue from real property which by their respective Acts of Incorporation they are authorized to acquire and hold; the collective or total annual amount thereof; and also, whether any and which of the Religious, Educational, or Charitable Institutions existing in Lower Canada previous to the Union, have since that period been authorized by Act of Parliament to increase their respective Income or Revenue in Mortmain, and by what amount, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Winter Roads  
(L.C.) Bill.

The Order of the day for the second reading of the Bill to repeal the Laws relating to Winter Roads in Lower Canada, being read;

Mr. Laurin moved, seconded by Mr. Bouthillier, and the Question being proposed, That the Bill be now read a second time;<sup>117</sup>

M. LAURIN propose que la seconde lecture de son bill pour rappeler la loi des sleighs soit faite. Cette mesure avait pour but d'abolir la loi par tout le pays, voilà pourquoi elle a été rejetée par une division de 42 contre 15.

M. Laurin dit à l'appui de sa proposition, pour prouver que les sleighs ne font pas des chemins meilleurs que les traîneaux (traînes) ou carioles, que l'on trouve des cahots dans les chemins de Montréal comme dans ceux où la loi n'est plus en force. La rue Notre-Dame même, dit-il, n'est souvent qu'une chaîne de cahots qui la rendent impraticable.<sup>118</sup> And he wished the repeal of so vexatious a law. In those brutal times when it was passed, habitans were thrown into prison for not complying with it.<sup>119</sup>

COL. GUGY répondit à cela que les chemins de Québec sont le résultat d'esprits étroits; que la ville de Québec ne peut être fréquentée en hiver à cause de ces chemins, et cela au grand détriment de la ville et des habitants des campagnes qui auraient des produits à y transporter. Il n'a jamais vu rien de comparable aux chemins d'hiver des environs de Québec, il a compté lui-même, dans le chemin de Québec à Beauport onze cents cahots, dans un petit sentier large de deux ou trois pieds au plus.

M. Guky informe donc la chambre qu'il présentera prochainement un projet de loi, tout à fait opposé à celui de l'hon. membre pour Lotbinière, c'est-à-dire pour rétablir un système de chemins larges par tout le pays, depuis Québec jusqu'au Haut-Canada, un système régulier de voitures d'hiver, les sleighs Bruneau ou à la Sydenham.<sup>120</sup>

MR. AT. GEN. LAFONTAINE dit alors: voilà ce que l'hon. membre pour Lotbinière aura gagné par ses pétitions et ses réclamations contre une loi qui n'affectait plus le district de Québec, et qui n'était pas mise en force d'une manière vexatoire dans le district de Montréal, de sorte que nous n'entendions plus de plaintes d'aucune part. Le résultat des pétitions intempestives de l'hon. membre pour Lotbinière sera donc de faire revivre la loi des sleighs par tout le pays, et les habitants pourront l'en remercier, il en sera la cause. Il aurait du comprendre que la chambre telle qu'elle est composée aujourd'hui rejeterait sa demande, et par conséquent, inutile de demander. Il est de même évident, d'après la composition de cette chambre que la proposition de l'hon. membre pour Sherbrooke pour mettre une loi en force quant aux voitures d'hiver, sera acceptée; mais je dois dire que je voterai certainement contre. Si elle passe,

les habitants de Québec pourront en remercier l'hon. membre pour Lotbinière, qui a provoqué ce résultat fâcheux.<sup>121</sup>

M. LAURIN dit qu'il ne l'a pas provoqué seul, que l'hon. membre pour St. Maurice a présenté une pétition de la part de ses constituants à cet effet, ainsi que l'hon. membre pour St. Hyacinthe, et celui de Rouville, soutiendront aussi sa proposition, bien qu'ils soient du district de Montréal.<sup>122</sup>

DR. DAVIGNON votera pour l'abolition de la loi, d'abord parcequ'il veut qu'on puisse se servir de la voiture qu'on aimera mieux par tout le pays, et ensuite parceque le bon effet que cette loi pouvait avoir a été détruit lorsqu'on a fait cesser l'obligation d'aller de travers. Il préfère les sleighs à la Sydenham à ceux qui sont en usage aujourd'hui.<sup>123</sup>

M. J.S. MACDONALD de Glengarry se prononça en faveur de l'existence des sleighs et fit remarquer à l'hon. membre pour Lotbinière qu'il se trompait, s'il comptait sur l'appui de l'hon. membre pour St. Maurice qui a présenté la pétition de ses constituants, il est vrai, mais sans exprimer son concours dans son contenu. D'ailleurs s'il eut voulu la soutenir, aurait-il eu besoin de l'hon. membre pour Lotbinière pour rédiger un bill à cet effet? Ce qui est encore un signe plus certain qu'il rougirait de faire une telle proposition, c'est qu'il va voter contre l'abolition de la loi des sleighs en dépit de la pétition de ses constituants.<sup>124</sup>

MR. CAUCHON did not see any use of repealing laws which did no harm.<sup>125</sup>

MR. SOL. GEN. DRUMMOND said that the hon. membre for Lotbinière, should refer his motion to the special Committee on railroads and telegraph lines.<sup>126</sup>

MR. HOLMES hoped that he would withdraw his measure, or he would move an amendment. The laws had improved the roads in the District of Montreal and the improvement had now become general.<sup>127</sup>

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*Mr. Holmes moved in amendment to the Question, seconded by Mr. Macdonald, of Glengarry, That the word "now" be left out, and the words "this day six months" added at the end thereof.*

MR. MCCONNELL said that the hon. member for Montreal had saved him that trouble.<sup>128</sup>

((There was)) a further discussion of about two hours<sup>129</sup>.

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*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Boulton of TORONTO, Brooks, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Christie, DeWitt, Solicitor General Drummond, Dumas, Egan, Flint, Guly, Hall, Holmes, Jobin, Johnson, Attorney General LaFontaine, Macdonald of GLENGARRY, Macdonald of KINGSTON, M'Connell, Mongenais, Morrison, Notman, Papineau, Price, Richards, Robinson, Scott of TWO MOUNTAINS, Seymour, Smith of DURHAM, Smith of FRONTENAC, Smith*

of WENTWORTH, Stevenson, and Viger.--(42.)

NAYS.

Messieurs Armstrong, Bouthillier, Chabot, Chauveau, Davignon, Duchesnay, Fourquin, Guillet, Laterrière, Laurin, Lemieux, Lyon, Marquis, Méthot, and Taché.--(15.)

*So it was resolved in the Affirmative.*

*Then the main Question, so amended, being put; the House divided: and the names being called for, they were taken down as in the last preceding division.*

*So it was resolved in the Affirmative.*

Ordered, That the Bill be read a second time, this day six months.

Executive Functionaries' Bill.

*The Order of the day for the second reading of the Bill to limit the number of Executive Functionaries, and the Salaries to be accorded to each, and for other purposes relating to their appointments to*

*office, being read;*

Ordered, That the Bill be read a second time, on Monday next.

Limited Partnerships (U.C.) Bill.

*The Order of the day for the second reading of the Bill to authorize limited Partnerships in Upper Canada, being read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.*

Bill requiring Mortgages to be Filed.

*The Order of the day for the second reading of the Bill requiring Mortgages of personal property in Upper Canada to be filed, being read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.*

Thompson's Relief Bill.

*The Order of the day for the second reading of the Bill for the relief of Joseph Richard Thompson, being read;*

Ordered, That the Bill be read a second time, on Thursday next.

Official Salaries Amendment Bill.

*The Order of the day for the second reading of the Bill to authorize to a certain extent the seizure and attachment of Official Salaries towards payment of the Incumbents' debts, being read;*<sup>130</sup>

MR. JOBIN observed, in moving the second reading of a bill to authorise seizing official salaries, that it was monstrous to exempt those who held official situations from paying their debts.<sup>131</sup>

MR. AT. GEN. LAFONTAINE objected to the second reading, on the ground that official salaries could not be seized by saisie-arret and their duties be performed. He observed that it was demoralizing for persons in that position to refuse to pay their debts; the attention of Government had been directed to the matter. We understood him to say that they were going to adopt such rule as would oblige the principal functionary of the department, to see that their debts were paid or the persons discharged.<sup>132</sup>



MR. JOBIN said, he was satisfied with having drawn the attention of Government to that great abuse under question, and was willing to withdraw his motion.<sup>133</sup>

DR. LATERRIERE and MR. CHABOT objected to the motion being withdrawn, as there were some offices over whom the Government had no control. Both gentlemen commented in very strong terms on mean and disgraceful conduct of those who lived upon and indulged themselves in making display with the property of others.<sup>134</sup>

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Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Joint Stock  
Road Com-  
panies Bill.

The Order of the day for the House in Committee on the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads there-

in, being read;

Ordered, That the said Order of the day be postponed till Monday next, and be then the second Order of the day.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till to-morrow.

Then, on motion of Mr. Chabot, seconded by Mr. Laurin,  
The House adjourned.

APPENDIX: 22 MARCH 1849.

((NOTICE OF MOTION RE: INCREASED REPRESENTATION IN SOME  
CONSTITUENCIES.))<sup>135</sup>

MR. H. BOULTON gave notice that he would on to-morrow (this day) ask leave to bring in a bill to issue warrants to certain constituencies for the election of additional representatives. (Ironical cheers.)<sup>136</sup>

FOOTNOTES: 22 MARCH 1849.

1. The debate on this motion was reported by: PILOT, 23 March 1849, copied by BROCKVILLE RECORDER, 5 April 1849, BATHURST COURIER, 30 March, 6 April 1849, and GLOBE, 31 March, 4 April 1849, in identical accounts; and MONTREAL GAZETTE, 26 March 1849. MONTREAL GAZETTE, 23 March 1849, also noted the debate. When necessary the GLOBE will be used instead of the PILOT.
2. PILOT, 23 March 1849.
3. MONTREAL GAZETTE, 26 March 1849.
4. IBID.
5. GLOBE, 31 March 1849.
6. MONTREAL GAZETTE, 26 March 1849.
7. GLOBE, 31 March 1849.
8. MONTREAL GAZETTE, 26 March 1849.
9. GLOBE, 31 March 1849.
10. MONTREAL GAZETTE, 26 March 1849.
11. IBID.
12. GLOBE, 31 March 1849.
13. MONTREAL GAZETTE, 26 March 1849.
14. GLOBE, 31 March 1849.
15. MONTREAL GAZETTE, 26 March 1849.
16. GLOBE, 31 March 1849.
17. MONTREAL GAZETTE, 26 March 1849.
18. GLOBE, 31 March 1849.
19. MONTREAL GAZETTE, 26 March 1849.
20. GLOBE, 31 March 1849.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. MONTREAL GAZETTE, 26 March 1849.
27. GLOBE, 31 March 1849.
28. MONTREAL GAZETTE, 26 March 1849.
29. GLOBE, 31 March 1849.
30. MONTREAL GAZETTE, 26 March 1849.
31. GLOBE, 31 March 1849.
32. MONTREAL GAZETTE, 26 March 1849.
33. GLOBE, 31 March 1849.
34. MONTREAL GAZETTE, 26 March 1849.
35. GLOBE, 31 March 1849.
36. IBID., 4 April 1849.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. MONTREAL GAZETTE, 26 March 1849.
44. GLOBE, 4 April 1849.
45. MONTREAL GAZETTE, 26 March 1849.



46. GLOBE, 4 April 1849.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. MONTREAL GAZETTE, 26 March 1849.
53. GLOBE, 4 April 1849.
54. PILOT, 23 March 1849.
55. GLOBE, 4 April 1849.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. MONTREAL GAZETTE, 26 March 1849.
63. GLOBE, 4 April 1849.
64. IBID.
65. MONTREAL GAZETTE, 26 March 1849.
66. GLOBE, 4 April 1849.
67. IBID.
68. PILOT, 23 March 1849.
69. GLOBE, 4 April 1849.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. This matter was reported by: MONTREAL GAZETTE, 23 March 1849; and  
PILOT, 23 March 1849, and GLOBE, 4 April 1849, in identical accounts.
88. MONTREAL GAZETTE, 23 March 1849.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.

97. The debate on this motion was reported by: PILOT, 23 March 1849, and GLOBE, 4 April 1849, in identical accounts; and MONTREAL GAZETTE, 23 March 1849, and BRITISH COLONIST, 6 April 1849, in identical accounts. When necessary the GLOBE will be used instead of the PILOT.
98. GLOBE, 4 April 1849.
99. MONTREAL GAZETTE, 23 March 1849.
100. GLOBE, 4 April 1849.
101. MONTREAL GAZETTE, 23 March 1849.
102. GLOBE, 4 April 1849.
103. MONTREAL GAZETTE, 23 March 1849.
104. GLOBE, 4 April 1849.
105. MONTREAL GAZETTE, 23 March 1849.
106. GLOBE, 4 April 1849.
107. MONTREAL GAZETTE, 23 March 1849.
108. IBID.
109. IBID.
110. GLOBE, 4 April 1849.
111. MONTREAL GAZETTE, 23 March 1849.
112. IBID.
113. IBID.
114. GLOBE, 4 April 1849.
115. IBID.
116. IBID.
117. The debate on this motion was reported by: MONTREAL GAZETTE, 23 March 1849; LE JOURNAL DE QUEBEC, 29 March 1849, and LA MINERVE, 26 March 1849, and LE JOURNAL DE QUEBEC, 3 April 1849, which acknowledged LA MINERVE as its source but omitted one of Laurin's speeches, in identical accounts. A commentary appeared in LE JOURNAL DE QUEBEC, 29 March 1849.
118. LA MINERVE, 26 March 1849.
119. MONTREAL GAZETTE, 23 March 1849.
120. LA MINERVE, 26 March 1849.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. MONTREAL GAZETTE, 23 March 1849.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. This matter was reported by: MONTREAL GAZETTE, 23 March 1849, and BRITISH COLONIST, 6 April 1849, in identical accounts.
131. MONTREAL GAZETTE, 23 March 1849.
132. IBID.
133. IBID.
134. IBID.
135. This notice was reported by: PILOT, 23 March 1849, and GLOBE, 4 April 1849, in identical accounts; and MONTREAL GAZETTE, 23 March 1849. The GLOBE will be used instead of the PILOT.
136. GLOBE, 4 April 1849.

FRIDAY, 23 MARCH 1849.<sup>1</sup>

(177)

House adjourns  
on account of  
the death of  
a Member.

MR. GUGY, Member for the Town of Sherbrooke, rose in his place, and acquainted Mr. Speaker and the House, that the County of Sherbrooke was not represented, as Samuel Brooks, Esquire, Member for the said County of Sherbrooke, is deceased.<sup>2</sup>

COL. GUGY ... spoke almost to the following effect. Mr. Speaker, it is my duty to inform the House, that the County of Sherbrooke, in which the Town I represent is situated, is unrepresented in this House. I regret to announce to the House the death of Samuel Brooks, Esq., late representative of that County. Such an announcement can scarcely be made without some remark upon the character of an individual whom I had the happiness to call my friend. I am desirous at this time that the House should understand--at least those Members of the House who did not enjoy his acquaintance--that a man of kindlier and more gentle disposition never lived. I have known him for many years, and I have seen that he was throughout the whole of his career, not merely benevolent, but generous. In the part of the country in which he lived, there was no individual, whatever his condition in life, who was in want, but received from him succour proportionate to his means. I looked upon him as a friend not only to the agricultural classes of the county, but he conferred upon others, assistance in proportion to the means which Providence and a long course of patient industry had conferred upon him. He had it in his power to assist the agriculturist, the trader and the manufacturer, and I have no kind of doubt, that the House will bear a more fitting testimony to him than I can pretend to bear from the inhabitants of that part of the country in which he resided. He was liberal, though, in private life, simple to a proverb, but in all that related to his public duties, was of a most princely disposition. I consider that I have lost a most valuable friend; and I will add, without fear of contradictions, that his loss is a public loss, involving to the part of the country which he represented, a very serious calamity; and to the members of this House, one of the most useful, the most candid, and the most sincere of our colleagues. I will move, that as a tribute of respect to the deceased, this House do forthwith adjourn.<sup>3</sup>

MR. AT. GEN. BALDWIN (who was much affected) seconded the motion. Not having been personally acquainted with his deceased colleague, he could not, like the hon. member who had just sat down, speak as to his personal qualities, but he felt sure that every member of the House would bear testimony to the truth of what had been said of the disposition evinced by the deceased in public. He bore himself with perfect amiability and gentleness of manner, and all must concur in a desire to pay every respect to his memory. They must all feel deeply impressed by the awful suddenness of his departure. He trusted it would be a warning to them, not to let any little warmth which might occasionally spring up in the discussion of questions of such an exciting nature as had been before the House, lead to anything like acrimonious feelings, as all might be called away with equal suddenness, and go to their last account with those feelings of resentment which, in more deliberate moments, they would not desire to feel towards others.<sup>4</sup>



MR. PAPINEAU said, that as one of the oldest members of the Legislature, he felt it his duty to add his testimony of respect for the memory of a man who, in all his life and acts, merited the esteem and affection of his colleagues. If

"An honest man's the noblest work of God,"

then the deceased member for Sherbrooke was that noblest work. On all occasions he was the example and model of what a legislator ought to be--firmly attached to his own opinions, yet always expressing those opinions with modesty, and deference for the views of others. He was vigilant in all that concerned the interests of his constituents, yet exhibited so much moderation and respect for others, in urging their claims that he could not fail to be remembered with respect for himself, and with sympathy for his family. His family might, indeed, be proud, and his constituents thankful for the constancy with which he practised all his duties. His colleagues had seen him only a few hours before, full of strength and energy, and it must be a subject of astonishment to see him thus suddenly carried off; yet he had only suffered the common lot of humanity, and their surprise must be altogether lost in the deeper feelings of regret.<sup>5</sup>

MR. MCCONNELL said that probably no one in the House felt the loss of the hon. member for Sherbrooke, as he did, having been one of his neighbours, residing in the same new country with him. He (Mr. McConnell) had been acquainted with the deceased for many years, indeed since childhood. He had seen him the young man, the middle aged man, and when verging towards the grave, and had always found him to be a man of public spirit, a friend to every useful purpose, a friend to the poor, a friend to the church. But like all men, he had been called away by the Great Judge of all, and they were left to regret him and to honor his memory.<sup>6</sup>

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Whereupon, on motion of Mr. Gugy, seconded by the Honorable Mr. Attorney General Baldwin,

Resolved, That, out of respect for the memory of the late Samuel Brooks, Esquire, a Member of this House, this House do adjourn.

The House accordingly adjourned, till Monday next.

FOOTNOTES: 23 MARCH 1849.

1. The MONTREAL GAZETTE, 26 March 1849, reported that "Mr. Speaker took the chair at three o'clock, at which hour there was an unusually full attendance of members."
2. This matter was reported by: MONTREAL GAZETTE, 26 March 1849, which acknowledged MONTREAL HERALD as its source, PILOT, 26 March 1849, STANSTEAD JOURNAL, 5 April 1849, and BRITISH COLONIST, 6 April 1849, in identical accounts. The matter was noted by GLOBE, 24 March 1849, BRITISH WHIG, 24 March 1849, MORNING CHRONICLE, 26 March 1849, BRITISH COLONIST, 27 March 1849, HAMILTON SPECTATOR, 28 March 1849, PROVINCIALIST, 29 March 1849, ST. CATHARINES JOURNAL, 29 March 1849, PRINCE EDWARD GAZETTE, 30 March 1849, and NIAGARA MAIL, 18 April 1849, in identical accounts; PILOT, 26 March 1849, and PACKET, 31 March 1849, in identical accounts; and GLOBE, 4 April 1849.
3. MONTREAL GAZETTE, 26 March 1849.
4. IBID.
5. IBID.
6. IBID. PILOT, 26 March 1849, noted that McConnell "had been a neighbour and intimate friend of the deceased gentleman."

MONDAY, 26 MARCH 1849.

(177)

Electoral  
Divisions.

THE following Return, pursuant to an Order of the House, of the 16th instant, having been transmitted to the Clerk, was laid upon the Table, viz:--  
List of the several Parishes, Seigniories, Townships, or other Divisions comprising the several Electoral Divisions of this Province, as now constituted.

Appendix  
(T.T.T.)

For the said Return, see Appendix (T.T.T.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Flint,--The Petition of Isaac Read and others, of Upper Canada.

By Mr. Chabot,--The Petition of Peter Winter, of the District of Gaspé, Barrister and Advocate, on behalf of J.T. Coffin, Esquire, of the Isle of Wight, Captain in the Royal Navy, and proprietor of the Magdalen Islands; the Petition of Peter Winter, of Percé, County of Gaspé, Advocate; the Petition of Thomas Lloyd, of the City of Quebec, Esquire, one of the Councillors of the said City; and the Petition of P.M. Bardy, Esquire, and others, of the City of Quebec.

By Mr. Wetenhall,--The Petition of John Turner, Chief Engineer, and others, Officers and Members of the Brantford Fire Company Number One; and the Petition of John William and others, of the Township of East Flamborough, District of Gore.

By Mr. Beaubien,--The Petition of Francis Monette and others, Officers and Members of Fire Companies, of St. John's, Canada East.

By Sir Allan N. MacNab,--The Petition of George Keefer, Chairman, and A.K. Boomer, Secretary, on behalf of the Inhabitants of the District of Niagara in public meeting assembled.

By Mr. Lemieux,--The Petition of Miville de Chêne and others, of that part of the County of Dorchester formerly the County of Dorchester.

By Mr. Morrison,--The Petition of William Charles Gwynne, Esquire, and others, of the City of Toronto; and the Petition of Samuel Heath and others, of Chinguacousey and vicinity.

By the Honorable Mr. Macdonald,--The Petition of the Commercial Bank of the Midland District.

By Mr. Fergusson,--The Petition of John Bonham and others, of the south half of the Township of Dumfries.

By the Honorable Mr. Badgley,--The Petition of Silas E. Austin and others, members of the Order of Rechabites.

By Mr. Bell,--The Petition of S.A. Huntingdon and others, of the sixth division of the District of Bathurst; the Petition of Edward Farrall and others, of the sixth division of the District of Bathurst; and the Petition of Thomas O'Neil and others, of the sixth division of the District of Bathurst.

By the Honorable Mr. Boulton,--The Petition of J. Lesslie and others, of the City of Toronto; and the Petition of George Hamilton Park, Esquire, late Medical Superintendent of the Temporary Lunatic Asylum.

By Mr. Egan,--The Petition of the Algonquin Indians of the Gatineau.<sup>1</sup>



A petition, written on Birch Bark, from the Indians on the Gatineau, praying for a grant of land from the Government, presented by MR. EGAN was received by the House and excited much discussion.<sup>2</sup>

(177)

By Mr. Wilson,--The Petition of James Inglis and others, members and adherents of the Baptist Churches in Canada West.

Petitions read.

Pursuant to the Order of the day, the following

Petitions were read:--

Of W.M. Wilson, Chairman, and M.H. Foley, Secretary, in behalf of a public meeting of the inhabitants of the District of Talbot; praying for a renewal of the Charter of the Niagara and Detroit Rivers Railroad Company.

Of Josiah Bowerman and others; praying that the Medical Bill of Upper Canada may not pass in its present form.

Petition of  
Quebec Board  
of Trade;

Ordered, That the Petition of the Quebec Board of  
Trade (Stevedores,) be referred to the Select  
Committee to which is referred the Bill to regu-  
late the trade of Stevedore at the Port of

Quebec, and another reference.

Of H. Atkin-  
son and others,  
referred.

Ordered, That the Petition of Henry Atkinson,  
Esquire, and others, of the City and vicinity of  
Quebec, be referred to the Select Committee to  
which is referred the Bill to amend and consoli-

date the provisions contained in the Ordinances to incorporate the City  
and Town of Quebec, and to vest more ample powers in the Corporation of  
the said City and Town.

Fourth Report  
of Committee  
on Miscellane-  
ous Private  
Bills.

Mr. Sherwood, of Brockville, from the Standing  
Committee on Miscellaneous Private Bills, presented  
to the House the Fourth Report of the said Committee;  
which was read, as followeth:--

Your Committee have examined the Bill to incor-  
porate the Town of Peterborough, and the Bill to  
authorize the Religious Community of the "Soeurs Hospitalières de St.  
Joseph de l'Hôtel Dieu de Montréal" to acquire and hold real and personal  
property to a certain amount over and above that now held by them, as well  
for themselves as for the Poor of the Hôtel Dieu on whose behalf they ad-  
minister certain property, and for other purposes therein mentioned; and  
have made certain amendments to each of the said Bills, which they beg  
leave to submit for the adoption of Your Honorable House.

Fifth Report  
of Committee on  
Miscellaneous  
Private Bills.

Mr. Sherwood, of Brockville, from the Standing  
Committee on Miscellaneous Private Bills, presented  
to the House the Fifth Report of the said Committee;  
which was read, as followeth:--

Your Committee have examined the Bill to enable  
Louis Comte to recover a certain amount due to him by the Parish of St.  
Edouard, in the District of Montreal, and have made certain amendments  
thereto, which they beg leave to submit for the adoption of Your Honor-  
able House.

Hallowell and  
Sophiasburgh

Mr. Stevenson reported from the Select Committee  
on the Bill to alter the boundary line between the

Boundary  
Line Bill.

the same, without amendment.

Quebec Dis-  
trict Teachers  
Association  
Bill.

gone through the Bill, and directed him to report the same, without amendment.

Militia Muster  
(U.C.) Bill.

Mr. Macdonald, of Glengarry, from the Select Committee to which was referred the Petition of the Very Reverend John Macdonald, Vicar General of the Diocese of Kingston, and others, the Clergy, Magistrates, and others of the Eastern District, with power to report by Bill or otherwise, presented to the House, a Bill to alter the day on which the Militia shall annually assemble for muster and discipline in Upper Canada, which was received and read for the first time; and ordered to be read a second time, on Thursday next.

MR. CHRISTIE<sup>3</sup> moved, seconded by MR. DEWITT, That the Clerk of the House be ordered to lay on the table a list of the persons who have been paid for their attendance before Committees of the House as witnesses during the present Session, the amount paid to each, and on whose order.

Mr. Christie said, that he was desirous of calling the attention of the House to what he considered the abuses which existed relative to the payment of witnesses; the amount paid for witnesses during the present Session was enormous. No less than £123 had been paid for witnesses on the Lumber Trade; witnesses about the Seamen's Act, £47 10s.; witnesses examined before Committee on Railroad, £12 15s., &c. He would also mention one case to show the absurd manner in which the public moneys was spent; he found that on the 14th of March a Mr. Gilkison was paid £14 for attendance and £8 17s 6d for travelling expenses; and on the 22nd of March he found that the same gentleman got £4 for attendance and £8 17s. 6d. for travelling expenses, so that he was twice paid for his travelling expenses, and he (Mr. C.) believed that this gentleman came down to watch over the interest of a Railroad in which he was interested, and not on behalf of the public. He (Mr. C.) brought facts before the House, in order that some steps might be taken to prevent similar abuses in future.<sup>4</sup>

SIR A. MACNAB said, that with regard to Mr. Gilkison that that gentleman had been subpoenaed down, and was obliged to bring all the papers, and laws and books of the Great Western Railroad Company with him, and, therefore, as he was subpoenaed by the Committee he had a right to be paid. The reason that two sums for travelling expenses were allowed, was that Mr. Gilkison at the time he received the certificate for the first amount was not discharged, and that only included expenses down to town, and the second sum, which was granted after he was discharged, was for his travelling expenses homeward.<sup>5</sup>

MR. CAUCHON condemned the system of paying the expenses of witnesses, who were personally interested in the Bills that were under the consideration of Committees.<sup>6</sup>

((There were)) some remarks from several members about the impropriety of paying witnesses who attended on behalf of Private Companies in which they were interested<sup>7</sup>.

The motion was put and carried.<sup>8</sup>

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On motion of Mr. Christie, seconded by Mr. DeWitt,

Witnesses  
before Com-  
mittees.

Ordered, That the Clerk of this House do lay on the Table thereof, for the information of the Members, a List of the persons who have been paid in the course of the present Session, for their attendance before Committees of this House as Witnesses, or for examination with respect to matters before it, the amount or amounts paid to each, the dates of payment, and by whose order the several payments have been so made.

Upton Town-  
ship Bill.

Ordered, That Mr. Davignon have leave to bring in a Bill to annex a certain part of the Township of Upton to the County of St. Hyacinthe.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Niagara and  
Detroit Rivers  
Railroad Bill.

Mr. M'Farland presented a Bill to incorporate the Niagara and Detroit Rivers Railroad Company, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. Christie, seconded by Mr. Sherwood, of Brockville,

Huron Copper  
Bay Company  
Bill.

Ordered, That the Bill to incorporate the Huron Copper Bay Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for

Thursday next.

On motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Merritt,

Real Property  
Conveyances  
Bill.

Ordered, That the Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Assessment  
Bill (U.C.)

Ordered, That the Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Town-



*ships, Villages, Towns, and Cities in Upper Canada, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

School Law  
(L.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill to amend the School Law of Lower Canada, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

Court of  
Appeals and  
Criminal  
Jurisdiction  
(L.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

Courts of Civil  
Jurisdiction  
(L.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

Gaspé Judicial  
Bill.

*Ordered, That the Order of the day for the second reading of the Bill to amend the Law relative to the Administration of Justice in Gaspé, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

Municipal  
Corporations  
(U.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill to provide by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

County  
Division  
(U.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolution of such Unions as the increase of wealth and population may require, which was lost by the adjournment of the House, of Friday last, be revived.*

*Ordered, That the Bill be read a second time, to-morrow.*

Court of  
Chancery  
(U.C.) Bill.

*Ordered, That the Order of the day for the second reading of the Bill for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada, which was*

lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Superior  
Criminal  
Court and  
Court of Error  
And Appeal  
(U.C.) Bill.

Ordered, That the Order of the day for the second reading of the Bill to make further provision for the Administration of Justice, by the establishment of a Superior Criminal Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes, which was lost by the adjournment of the House, of Friday

last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Law of  
Evidence  
(U.C.) Bill.

Ordered, That the Order of the day for the second reading of the Bill to improve the Law of Evidence in Upper Canada, which was lost by the adjournment of the House, of Friday last, revived.

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Ordered, That the Bill be read a second time to-morrow.

Naturalization  
of Aliens Bill.

Ordered, That the Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Land Survey-  
ors Bill.

Ordered, That the Order of the day for the second reading of the Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province, which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Ordered, That the Order of the day for the second reading of the Bill for the better management of the Public Debt, Accounts, Revenue, and Property, which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Public  
Health Bill.

Ordered, That the Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to make provision for the preservation of the Public Health in certain emergencies," which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Savings  
Banks Bill.

Ordered, That the Order of the day for the second reading of the Bill to amend the Laws relating to Savings Banks, which was lost by the adjourn-

ment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Quebec Trinity  
House Bill.

Ordered, That the Order of the day for the second reading of the Bill to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes, which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Interpretation  
of Terms Bill.

Ordered, That the Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act for putting a Legislative Interpretation upon certain Terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes," which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Official and  
Legal Notices  
Bill.

Ordered, That the Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the insertion of certain Official and Legal

Notices in the Canada Gazette only," which was lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the Bill be read a second time, to-morrow.

Indemnity to  
Members.

Ordered, That the Order of the day for the House in Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, to-morrow, resolve itself into the said Committee.

Offenders'  
Treaty Bill.

Ordered, That the Order of the day for the House in Committee on the Bill for better giving effect, within this Province, to a Treaty between Her

Majesty and the United States of America, for the apprehension and surrender of certain Offenders, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, to-morrow, resolve itself into the said Committee.

Election Bill.

Ordered, That the Order of the day for the House in Committee on the Bill to repeal certain Acts

therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, which was lost by the adjournment of the House, of Fri-



day last, be revived.

Resolved, That this House will, to-morrow, resolve itself into the said Committee.

Ordered, That the Order of the day for the House in Committee of Supply, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, to-morrow, resolve itself into the said Committee.

Municipal Corporations, &c., (U.C.) Repeal Bill.

Ordered, That the Order of the day for the House in Committee on the Bill to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, the regulation of Highways, the Assessment and collection of local Taxes, and other matters of a like nature, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, to-morrow, resolve itself into the said Committee.

Warehousemens' Punishment Bill.

Ordered, That the Order of the day for the House in Committee on the Bill for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances fraudulently disposing of the same, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, on Thursday next, resolve itself into the said Committee.

Ordered, That the said Order by the first Order of that day.

First Report on Library.

Ordered, That the Order of the day for the House in Committee on the First Report of the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, which was lost by the adjournment of the House, of Friday last, be revived.

Resolved, That this House will, on Thursday next, resolve itself into the said Committee.

Ordered, That the said Order be the second Order of that day.

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Orders revived and deferred.

Ordered, That the remaining Orders of the day which were lost by the adjournment of the House, of Friday last, be revived.

Ordered, That the said Orders of the day be postponed till Thursday next.

Niagara District Town Bill.

Ordered, That the Order of the day for the second reading of the Bill to remove the site of the District Town of the District of Niagara, to Port Robinson in the Township of Thorold, in the County of Welland, which was fixed for Saturday last, and lost by the adjournment of the House, of the previous day, be revived.

Ordered, That the Bill be read a second time, on Monday next, and be then the first Order of the day.

On motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Hincks,

Montreal Bro-  
kers' Circular.

Ordered, That it be an Instruction to the Standing Committee on Contingencies, to order that five hundred copies in sheets and five hundred copies in covers, of the Brokers' Circular lately published in Montreal, and dated 26th March, 1849, together with the Return of the Bank Issues, be printed for the use of the Members of this House, and also, a sufficient number of copies of the said documents for the Appendix to the Journal of this House.

Association  
for Colonizing  
the Eastern  
Townships.

The Honorable Mr. Price, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 1st instant, praying His Excellency to cause to be laid before the House, copies of all Correspondence between Her Majesty's Government and the Association for colonizing the Eastern Townships, with a Statement, in detail, of all the Surveys and Roads made on behalf of, or in connection with, the said Association, as also, of the names and salaries or compensation allowed to such Surveyors, Agents, or other public servants employed, and of all the expenditure incurred by the Government in relation to the said Association.

Appendix  
(U.U.U.)

For the said Return, see Appendix (U.U.U.)

Message  
from His  
Excellency.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Estimates  
for 1849.

ELGIN AND KINCARDINE.

The Governor General transmits to the Legislative Assembly, a Statement of the probable Revenue and Expenditure of the Province during the year ending 31st December, 1849, together with Estimates of the Sums required for the Service of the same year; and, in conformity with the provisions of the 57th clause of the Union Act, he recommends these Estimates to the House of Assembly.

Government House,  
Montreal, 26th March, 1849.

Appendix  
(V.V.V.)

For the Statement and Estimates accompanying the Message, see Appendix (V.V.V.)

Ordered, That the said Message, with the accompanying documents, be printed for the use of the Members of this House.

On motion of Mr. M'Connell, seconded by Mr. Gugy.

Sherbrooke  
Writ.

*Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Member to serve in the present Provincial Parliament for the County of Sherbrooke, in the room of Samuel Brooks, Esquire, deceased.*

Bathurst  
District  
Lands Bill.

*Ordered, That Mr. Bell have leave to bring in a Bill to annex certain unsurveyed Lands to the Bathurst District, for Judicial purposes. He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.*

Message from  
the Council.

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

Mr. Speaker,

*The Legislative Council have passed the following Bills, without Amendment, viz.:*

Kingston Water  
Works Bill.

*Bill, intituled, "An Act to incorporate the City of Kingston Water Works Company."*

L'Islet  
Registry  
Office Bill.

*Bill, intituled, "An Act to provide for the removal of the Registry Office of the County of L'Islet from the place where it is now kept to the Parish of L'Islet."*

Stuart's  
Relief Bill.

*Bill, intituled, "An Act to enable Charles James Stuart, Esquire, to practise Law in Lower Canada."*

*And then he withdrew.*

Union Act.

*The Honorable Mr. Boulton moved, seconded by Mr. Flint, and the Question being put, That this House will, on Monday next, resolve itself into a Committee to consider the expediency of addressing Her Majesty and the other Branches of the Imperial Parliament upon the propriety of amending the Union Act; and of representing that it is the opinion of this House, That whatever may tend to lessen the independence, or disparage the character or dignity, of either Branch of the Legislature, is a blemish and an injury to the whole body: That that provision of the Act of Union which declares that it shall be lawful for any Member of the Legislative Council of the Province of Canada to resign his seat in the said Legislative Council, has a direct tendency to destroy the independence, lessen the dignity of, and diminish the respect due to, that Branch of the Legislature: That the provision of the Union Act which declares that the presence of at least twenty Members of the Legislative Assembly of the Province of Canada, including the Speaker, shall be necessary to constitute a meeting of the said Legislative Assembly for the exercise of its powers, is a minute and unnecessary interference with the internal course of its proceedings, which should be left free and unfettered to the judgment and discretion of this House and be regulated by its own orders, and imports a distrust of the discretion and judgment of the House in the ordinary discharge of its high functions as a Legislative body: That the provision of the Union Act, that it shall not be lawful to present to the Governor of the Province of Canada, for Her*



Majesty's assent, any Bill of the Legislative Council and Assembly of the said Province by which the number of Representatives of the Legislative Assembly may be altered, unless the second and third reading of such Bill in the Legislative Council and the Legislative Assembly shall have been passed with the concurrence of two-thirds of the Members for the time being of such Legislative Council and of two-thirds of the Members for the time being of the said Legislative Assembly, respectively, is an unjust, unwise, and injurious restraint upon the free voice of the majority of the People through their Representatives, placing the majority in the most vital point of constitutional Government under the unalterable control of the minority,--a principle altogether inconsistent with, and diametrically opposed to every sound view of Responsible Government: That the People of

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this Province ought not to be called upon to pay the salary of any Public Functionary, however exalted may be his position, in whose appointment their Representatives are not consulted, and over whose conduct they have no control: That by the Act of Union the several sums of Seven thousand pounds, and One thousand pounds, of sterling money of Great Britain, are thereby appropriated in Schedule A, appended to the said Act, to the Governor and Lieutenant Governor respectively, and who are respectively appointed at Home, upon the sole responsibility of the Ministers of Her Majesty's Imperial Government: That upon all sound constitutional principles of free Government, such appropriations should, in the language of Lord Viscount Howick, (now Earl Grey,) and Her Majesty's Principal Secretary of State for the Colonies, be borne upon the Consolidated Fund of the United Kingdom, because, as the Governor General is sent out by, he ought to be paid by Great Britain:--<sup>9</sup>

MR. H. SHERWOOD did not rise to object to any hon. member's right to move the House into committee on a repeal of the Union Act, but he did rise to inquire whether the Ministry considered that the motion was necessary, and if so, whether they did not think it should have been introduced by the Government.<sup>10</sup> ((He)) objected to the proposed motion ... on the grounds that a measure involving any change in the Constitution should originate with the responsible members of the Government, and his belief that it would be prejudicial to the interests of the country, to agitate any change in the Constitution, at a time when so many measures were required by the country, which must necessarily engage the whole attention of the House.<sup>11</sup>

MR. AT. GEN. BALDWIN concurred in the remarks of the Hon. member<sup>12</sup> for Toronto<sup>13</sup> relative to the inexpediency of frequently trying to effect changes in the Constitution. Changes required in the Constitution should always engage the attention of the Government, with a view of their being agitated at the proper time, and he did not think it was desirable to agitate any change in the Constitution at the present moment<sup>14</sup>, when they were occupied in the consideration of questions of great interest. For that reason he objected to the motion of his hon. friend<sup>15</sup>. He believed the motion of his hon. friend in introducing his motion was to have his opinion recorded on the journals of the House, and that he would be prevailed upon to withdraw it, otherwise he should be compelled to divide against it. He thought<sup>16</sup> it desirable that<sup>17</sup> before any application

should be made to the Imperial Government, for a change in the Constitution, they should put their shoulders to the wheel in order to<sup>18</sup> endeavor to make their institutions work as well as possible as they existed, and let the Mother Country know that when they went to ask for a change in their Constitution that they were prepared to receive it. He thought at present it would be injurious to agitate any change in the Constitution, and if the motion was persisted in he would be under the necessity of resisting it; but he supposed his Hon. friend would not press it, but would content himself with putting his views upon the Journals.<sup>19</sup>

MR. H. BOULTON was the last man in the House to obstruct or thwart the Ministry, but at the same time he was impressed with the idea that the constitution had been imposed on the Province contrary to the wishes of its inhabitants, that those points to which he referred in his resolutions were serious blemishes, and that the time would come when the government would remonstrate with the Imperial authorities and get those abuses remedied. He had no objection, however, to consent to withdraw his motion according to the request of his hon. friend, provided it appeared on the journals of the House.<sup>20</sup> But he considered they laid under heavy grievances. He particularly alluded to the clause in the Union Act which required the consent of two-thirds of the members before any alteration could be made in the representation; and asked where would the Reform Bill have been in England had such a majority been required? He also, among other matters, alluded to the injustice of the expenses of the civil list being defrayed by the Province; and said if the system were continued, he should agitate the reduction of the salary of the Governor General to £5000 per annum--the amount paid the President of the United States; and he would from time to time move that, after the present Governor General had retired, the future salary be reduced to that amount. He would withdraw his motion under the impression that his sentiments would be recorded on the journals of the house.<sup>21</sup>

This ... ((was)) decided to be irregular<sup>22</sup>.

The motion, with the consent of the hon. member, was negatived without a division.<sup>23</sup>

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*It passed in the Negative.*

*On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Cayley,*

Tolls on  
Public Roads  
in Upper  
Canada.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause the proper Officer to lay before this House, copies of all Tenders made, during the last year, to lease the Tolls

on the Public Roads in Western Canada.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Masters and  
Servants  
(L.C.) Act.

Resolved, That a Select Committee composed of Mr. Watts, Mr. Bouthillier, Mr. Gagy, Mr. Solicitor General Drummond, and Mr. Davignon, be appointed

to take into consideration the expediency of amending the Act of Lower Canada relating to Masters and Servants in the country parts, to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Members ab-  
sent at the Call  
of the House.

According to Order, Mr. Speaker reported to the House the names of the Members who were absent at the Call of the House, on Tuesday last, as follow:--  
The Honorable John Hillyard Cameron (absent on

leave.)

William Cuthbert (indisposed.)

The Honorable Dominick Daly (beyond seas.)

Edward Malloch (absent on leave.)

Alexander M'Lean (sick.)

Adam Henry Meyers (sick.)

John Prince (absent on leave.)

St. Antoine de  
L'Isle aux Grues  
Municipality  
Bill.

Mr. Chauveau reported the Bill to detach the Parish of St. Antoine de L'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Second Report  
of Committee  
on Printing.

The Order of the day for the House in Committee on the Second Report of the Standing Committee on Printing, being read;

The House accordingly resolved itself into the said Committee.

Mr. Malloch took the Chair of the Committee;

MR. SHERWOOD objected to the Committee proceeding without its report being printed and put into the hands of members. The House had ordered it to be printed, and of course it was no use going to the expense unless it were to be used.<sup>24</sup>

MR. INSP. GEN. HINCKS said that the report was ordered to be printed, and he was much surprised, it had not been printed, whether that was because the printer was interested in the delay, he did not know. However, he did not care how long the thing was delayed; and should now throw the whole responsibility on the other side of the house.<sup>25</sup>

Eventually the further consideration of the report was postponed till Thursday<sup>26</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Thursday next; and that it be then the first Order of the day.

Joint Stock  
Road Companies

The Order of the day for the House in Committee on the Bill to authorize the formation of Joint



Bill. *Stock Companies in Upper Canada for the construction of Planked, Gravelled, or Macadamized Roads therein,*  
being read;

*The House accordingly resolved itself into the said Committee.*

*Mr. Laurin took the Chair of the Committee;*<sup>27</sup>

*One or two of the clauses ((were adopted.))*<sup>28</sup>

MR. BOULTON said, that as the Solicitor General for Lower Canada, whom he believed had some amendments to propose, was absent from illness, he would move that the Committee rise and report progress<sup>29</sup>.

*Which was carried.*<sup>30</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Laurin reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again, on Thursday next.*

Executive  
Functionaries  
Bill.

*The Order of the day for the second reading of the Bill to limit the number of Executive Functionaries, and the Salaries to be accorded to each, and for other purposes relating to their appointments*  
*to office, being read;*

*Ordered, That the Bill be read a second time, on Thursday next.*

Medical  
Profession  
(U.C.) Bill.

*The Order of the day for the second reading of the Bill to incorporate the Members of the Medical Profession in Upper Canada, and to regulate the study and practise of Physic and Surgery therein,*  
*being read;*

*The Honorable Mr. Sherwood moved, seconded by Mr. M'Lean, and the Question being proposed, That the Bill be now read a second time;*<sup>31</sup>

MR. H. SHERWOOD (Toronto) ... was aware that several hon. Members had an objection to the principle of this Bill, inasmuch as the<sup>32</sup> body of men called, he believed, Root Doctors,<sup>33</sup> and persons of that description<sup>34</sup> who had not received a regular education<sup>35</sup>, who studied according to their own principles<sup>36</sup>, considered they had as much right to practice,<sup>37</sup> according to their own ideas<sup>38</sup>, as those who had been regularly brought up to the profession. In Upper Canada before the Union, a bill passed the Legislature incorporating the Medical profession of the Province, that bill received the Royal Assent and the profession was accordingly incorporated under it and went on for several years, acquiring a library and other valuable property, but some influences existed at the Colonial office in England by the College of Surgeons, the bill was disallowed after it had been in operation for some years and now the profession applied to the Legislature for incorporation. The principle was the same as that of incorporation of the nuns and religious Societies of L.C., and the Law Society of U.C. It was to agree to that principle by reading the bill a second time that he now asked the House: if there was anything objectionable in details of the measure, they could be altered in a special commit-

tee to which he intended to refer it.<sup>39</sup>

MR. FLINT opposed the measure as being an undue interference with the rights and liberties of the people and entirely at variance with the spirit of the age and country. He objected especially to the 7th and 10th clauses which prevented any person not duly licensed from practising medicine<sup>40</sup> as surgeons and physicians<sup>41</sup> under pain of a heavy penalty.<sup>42</sup> There were doctors who used simple remedies, and in these days of improvement, he thought, it was preposterous to require that these men should be compelled to go through a coarse (sic) of study in college before they could obtain their diplomas.<sup>43</sup> In the back parts of the country where there were no regular doctors, the people were obliged to employ these Thompsonian doctors; besides they had a perfect right to employ them if they had confidence in them. In these days of free navigation and free trade, they ought to have a free system of medicine. This measure was not asked for, by the people of Upper Canada and he was convinced that if they passed it now, they would, next session, receive a protest from at least 50,000 of the people.<sup>44</sup>

(181)

*Mr. Flint moved in amendment to the Question, seconded by Mr. Bell, That the word "now" be left out, and the words "this day six months" added at the end thereof.*

DR. NELSON hoped for the credit of the House and the honor of the profession that the amendment of the hon. member for Hastings would not be received<sup>45</sup> ((and)) the measure would be carried; what! in those days when protection was extended to all classes of the community, was the medical profession--one of the important of all professions not to receive protection? More especially when in the United States, and up to this time in Lower Canada it had been protected.<sup>46</sup> He asked if in these days when it was sought to educate every body of men,<sup>47</sup> what was the use of endowing and encouraging medical schools and universities for giving a good education to those desiring to practice medicine,<sup>48</sup> one of the most useful class of professional men<sup>49</sup> if you let loose upon Society, those persons to practice all kinds of quackery?<sup>50</sup> and the profession left for ignorance and credulity to practice upon. He declaimed against the aspersions which had been cast by the hon. member on the physicians in Upper Canada, and said he believed that the profession was always ready, to stand whenever their services were required.<sup>51</sup> He hoped for the safety of society and the honor of his profession that this motion would prevail.<sup>52</sup>

MR. PRES. EX. COUN. MERRITT enquired of the hon. member, whether there was any law in the State of New York, preventing any practitioner from practising?<sup>53</sup>

DR. NELSON replied, that when he was in the United States in 1829 - 40, and 41, the medical profession in Cash County, was incorporated--the board met once a year, and all new practitioners had to appear before it and undergo an examination.<sup>54</sup>

MR. PRES. EX. COUN. MERRITT briefly stated his grounds for opposing the bill; there had formerly been laws of this kind in New York State, but they had now been abolished, and there was nothing to prevent any man from practising, who thought fit. He agreed with the hon. member for Hastings,

that, in a country so widely populated as some parts of Upper Canada, and where the population was so much scattered, a bill of this kind would do much injustice and cause very great inconvenience, particularly by preventing the female midwives who were so generally employed, from practising. He thought these root doctors were doing a great deal of good in the country, and he should vote against the bill as it would deprive them of the right and opportunity of doing their good.<sup>55</sup>

MR. ROBINSON thought that the allowing of any improper persons to practice in the country, was the means of preventing regular medical men from settling in it. He knew of great evils which had occurred from the allowing improper persons to practice.<sup>56</sup>

MR. BURRITT supported the amendment. The people of Upper Canada did not ask it, and he thought it was already sufficiently protected.<sup>57</sup> He thought the Bill was not for the purpose of elevating the profession, but to grant exclusive privileges to a certain class.<sup>58</sup> The best method of elevating the profession was for gentlemen to qualify themselves and maintain their position by their talents.<sup>59</sup>

DR. SMITH supported the Bill<sup>60</sup> ((but he)) believed that there were laws in all countries, not so much for the purpose of protecting the profession, as for protecting the people<sup>61</sup> from those who palmed themselves off upon the public, as understanding the practice of physic. He was opposed to some clauses of the measure, but as it was to be referred to a special committee, in which the obnoxious clauses would be expressed, he should vote for the second reading.<sup>62</sup>

MR. FLINT thought people were competent to judge for themselves. The profession was not so prosperous as it had been; every man was becoming his own physician, and the Bill was brought in for the purpose of protecting a falling profession.<sup>63</sup>

DR. LEVEILLE ... highly supported the amendment.<sup>64</sup>

DR. LATERRIERE opposed the amendment.<sup>65</sup>

MR. H. SHERWOOD said that this bill was not the mere application of people who were going to build a warehouse, but was the application of the whole medical profession of Upper Canada, for the purpose of enabling that profession to take a proper standing, and to prevent empirics from going about the country, who in many cases, as he could safely say, had done a great deal of mischief. It was the request of the whole society, and conferred on them no privilege that they did not possess under the present law, except the power of punishing quacks in a more summary manner than the present law directs. Now he had been told that there was no law in the United States for the protection of the medical profession. He would require good authority for that statement, for he could scarcely believe it. But why go to the States at all? Why not take example by the practice of the English Parliament who know full well the advantage of a thorough education, and therefore make it compulsory upon every person practising medicine to be properly qualified. Many of these men had come to this colony, and with others already there demand nothing but what they had a right to expect, and they were opposed by the hon. President of the Council! If hon. gentlemen thought it was really desirable to admit old



women to the practice of medicine, particularly to the practice of mid-wifery, he could propose it when the house went into committee, and there could be no doubt that it would be carried. He hoped hon. gentlemen would not consent to the proposition of the hon. member for giving the bill a six months hoist, as it would in reality be a declaration that the medical profession had no right to expect protection at their hands; but they would rather aid him in making it as perfect as possible in its details in Committee.<sup>66</sup>

MR. RICHARDS objected to the second reading of the bill<sup>67</sup> for various reasons. It appeared to him that the bill was not calculated to give the medical profession protection, so much as the power of punishing particular parties. The process of proceeding at present, it appeared was too tedious, and in order to satisfy the profession, it was necessary to give them the power of laying the question before a magistrate, who could at once sentence the unlicensed practitioner to a fine of £5, and send him to prison. The hon. member for Toronto had called on them to follow English practice. If the hon. gentleman would refer to the Medical Review, he would find that the<sup>68</sup> stringent laws on the subject that now existed there<sup>69</sup> for the protection of the medical profession had given general dissatisfaction, and had made the colleges of surgeons in Scotland exceedingly unpopular, and the effect here would be exactly similar.--The hon. member appeared to be ignorant of the fact, that in those states where protective laws had existed, they have been repealed, whilst in others there never were any, and it was generally admitted that since the abolition of those laws, the regular practitioners had obtained a larger share of practice, and been able to take a higher stand, when the quacks have been deprived of the sympathy which people had for them, than when they were liable to prosecution under the protective laws.<sup>70</sup> The Bill would not protect us from the hundreds of pounds worth of Quack medicines that came in from the United States. Those strict laws had not prevented Quackery in the United States, and when they had been found inoperative there, he did not see why they should be introduced here.--There was, at present, a law in Canada against persons practising medicine without license. Under the proposed Bill, those who made discoveries, as in water cures, or other things, if they attempted to put them in practice, they might be sent to prison. He did not wish to legislate for the protection of any class; if the Medical Profession had fair play, it was all they could ask.<sup>71</sup> He was opposed to the bill, also, because it would deprive sick people in the back country, where the population is spreading, and where it would be impossible to procure the services of a regular practitioner, of the only medical assistance within its reach. He was also opposed to the bill, because a large number of the medical profession did not wish it to pass; he should therefore support the amendment.<sup>72</sup>

(181)

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Beaubien, Bell, Boulton of NORFOLK, Burritt, Fergusson, Flint, Fournier, Fourquin, Holmes, Johnson, Laurin, Lemieux, Macdonald of GLENGARRY, M'Connell, Merritt, Méthot, Morrison, Richards, Scott of BYTOWN,*

Smith of DURHAM, Thompson, and Wilson.--(22.)

NAYS.

Messieurs Badgley, Attorney General Baldwin, Solicitor General Blake, Pouthillier, Cartier, Cayley, Chabot, Christie, Davignon, Dickson, Gagy, Attorney General LaFontaine, Laterrière, Macdonald of KINGSTON, Malloch, M'Farland, Nelson, Papineau, Polette, Price, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, and Wetenhall.--(28.)

*So it passed in the Negative.*

MR. PRES. EX. COUN. MERRITT would reply to the hon. member for Toronto, since there was going to be a division.<sup>73</sup> He had asked what was the use of Colleges, &c., unless these privileges were granted to those who studied there. That was easier asked than answered; but those studies gave these gentlemen great advantages, and they had besides the right of incorporation, but now they wanted something in the way of privilege that no other person had. If carpenters or masons came before the House to demand such privileges as to exclude competition it would be thought monstrous; why should the learned professions have a monopoly? He would not occupy more time, but hoped the privilege granted would be as limited as possible.<sup>74</sup> He thought we should benefit by the experience of our neighbors in the United States, where all protection had been withdrawn.<sup>75</sup> He thought the people of the country were in favor of it; but since the Bill had to go into Committee, he trusted hon. members would not give them more privileges than were necessary.<sup>76</sup>

MR. WILSON would vote against the bill because those privileges were more detrimental than otherwise to the profession. He had known two neighbourhoods in which quacks were indicted by medical men, and the feeling was so strong against the prosecutions that the medical men were driven out, whereas had they trusted to their superior abilities, derived from education, they would have driven the quacks out.<sup>77</sup>

MR. LYON was at first disposed to vote against the Bill, but found that the hon. member for Toronto was willing to alter the parts found to be objectionable.<sup>78</sup>

MR. J. SMITH (Durham) remarked that the present Bill was more stringent than the old law, inasmuch as the offence under the latter consisted in the quack having acted for hire and gain. The present bill made it a crime to do so under any circumstances. If it passed there would be plenty of informers.<sup>79</sup>

MR. MCCONNELL objected to the bill on principle, as he believed it to be the counterpart of a bill already in operation in Lower Canada<sup>80</sup>, the most unpopular bill which had ever been passed.<sup>81</sup> ((He)) was opposed to the Bill, because it would damage the country Physician, who would not be able to fulfill all its conditions.<sup>82</sup> He also objected to it because it excluded a portion of the community from practising to whom he had a strong partiality--he alluded to the women. He had had but one fit of sickness in his life, and he was attended by two physicians who brought him to death's door, when an old lady was called in with some roots and herbs who

cured him.<sup>83</sup>

DR. BEAUBIEN desired no other protection for the medical profession than good colleges and good professors. But it was proposed by this bill to bring the student before the college and make him pay fees for the members, without on their side being obliged to furnish any instruction. He did not want any exceptional laws for the medical profession; let the profession here form schools of medicine, like the College of Surgeons in London, or the Royal College of Paris.<sup>84</sup>

MR. MORRISON opposed the bill, for he believed the medical profession did not wish it to pass; first, because it was no good; second, because it would put them into antagonism with the people of the province. The people were jealous of these privileges. He was glad to hear remarks of the hon. President of the Council, and sorry to hear those of the Attorney General. He desired if the bill were not to pass, that it should be thrown out at once, and lose no time.<sup>85</sup>

MR. H. BOULTON (Norfolk) did not think this Bill called for in the present state of the country. He did not think that the Medical Profession, as it now existed, should be incorporated, and require higher qualifications in Greek, Latin, Algebra, &c., from candidates than they themselves possessed. It would be an exceedingly unpopular measure in the rural Districts of Upper Canada. Those who had studied under country practitioners, and who wanted to practice in the country, could never be able to pass an examination of the kind required by the Bill.<sup>86</sup>

The discussion was afterwards continued to a great length; but without bringing out any new arrangement (sic) against the measure.<sup>87</sup>

DR. LATERRIERE again spoke in its favor.<sup>88</sup> Those who had not properly studied could not possibly have any comprehension of the noble science of medicine.<sup>89</sup> It appeared there were many quacks in Upper Canada, and the object of the bill was to check quackery, so destructive to everything good. The men who discovered the circulation of the blood, and vaccination were not ignorant quacks; but instructed professional men. The hon. gentleman here narrated some anecdotes touching a Dr. Solomon, which we did not hear very distinctly, and concluded by answering the Hon. President of the Council by drawing a distinction between the trades of blacksmiths and carpenters, which involved no responsibility, and those liberal professions to whose care were committed the lives and fortunes of the public.<sup>90</sup> If there were any clauses of an exceptionable kind, they might be altered in Committee.<sup>91</sup>

MR. AT. GEN. BALDWIN would vote for the 2nd reading of the Bill, because he<sup>92</sup> did not see why the Hon. President of the Council who was so ready to incorporate any companies to make boots and shoes, &c.,<sup>93</sup> all sorts of trades and professions<sup>94</sup>, should refuse to incorporate the medical profession. He voted for the second reading of the Bill, because he approved of the principle of organising the profession; but would perhaps not object to alter<sup>95</sup> any clauses which he thought not calculated to be of service to the people, or to be any way injurious to the community.<sup>96</sup>

((There was)) a few words from MR. RICHARDS against the second reading<sup>97</sup>.



(181)

Then the main Question being put; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Solicitor General Blake, Cartier, Chabot, Christie, Davignon, Dickson, Dumas, Gugu, Jobin, Attorney General LaFontaine, Laterrière, Malloch, Nelson, Papineau, Polette, Robinson, Scott of TWO MOUNTAINS, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, and Wetenhall.--(26.)

NAYS.

Messieurs Beaubien, Bell, Burritt, Cameron of KENT, DeWitt, Fergusson, Flint, Fournier, Fourquin, Guillet, Holmes, Laurin, Lemieux, Marquis, M'Connell, Merritt, Mithot, Mongenais, Morrison, Richards, Sauvageau,

(182)

Scott of BYTOWN, Smith of DURHAM, Viger, and Wilson.--(25.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to a Select Committee composed of the Honorable Mr. Sherwood, Mr. Nelson, Mr. Wetenhall, Mr. Boulton, of Toronto, and Mr. Smith, of Wentworth, to report thereon with all convenient speed.

Report on  
Petition of  
J.H. Aussem  
and others.

The Order of the day for taking into consideration the Report of the Select Committee to which was referred the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, being read;

Ordered, That the said Order of the day be postponed till Monday next.

Bill to secure  
Real Estate  
Titles to cer-  
tain persons.

The Order of the day for the second reading of the Bill to secure Titles to Real Estate to certain persons naturalized under the Statute of Lower Canada, 1 Will, 4, c.53, being read;

Mr. Gugu moved, seconded by Mr. Christie, and the Question being proposed, That the Bill be now read a second time; 98

MR. CARTIER spoke at some length against the Bill. He went into the details of the claims of John and Joseph Donegani.<sup>99</sup>

MR. PAPINEAU spoke strongly against the principle of the Bill, and the Legislature degrading itself to interfere between the claims of two individuals.<sup>100</sup>

(182)

Mr. Cartier moved in amendment to the Question, seconded by Mr. Polette, That the word "now" be left out, and the words "this day six months" added at the end thereof.

And the Question being put on the Amendment; the House divided:

Yeas, 13.

Nays, 22.

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

## YEAS.

Messieurs Badgley, Attorney General Baldwin, Cameron of KENT, Cauchon, Christie, Crysler, Flint, Guy, Holmes, Jobin, Johnson, Laterrière, Laurin, Macdonald of GLENGARRY, M'Connell, M'Farland, Merritt, Meyers, Price, Richards, Robinson, Scott of TWO MOUNTAINS, Seymour, Smith of WENTWORTH, and Stevenson.--(25.)

## NAYS.

Messieurs Beaubien, Solicitor General Blake, Bouthillier, Cartier, Dumas, Fournier, Guillet, Lemieux, Marquis, Papineau, Polette, Sauvageau, Taché, and Viger.--(14.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and ordered to be engrossed.

Les Soeurs de la Charité de Bytown Bill.

The Order of the day for the second reading of the Bill to incorporate La Communauté des Révérendes Soeurs de la Charité of Bytown, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Ontario Marine and Fire Insurance Company Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Ontario Marine and Fire Insurance Company, being read;

Ordered, That the said Order of the day be postponed till Thursday next.

Montreal Horticultural Society Bill.

The Order of the day for the second reading of the Bill to incorporate the Horticultural Society of Montreal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ste. Anne des Monts and Cape Chat Municipality Bill.

The Order of the day for the second reading of the Bill to detach the settlement of Ste. Anne des Monts and Cape Chat from the Municipality of Gaspé, and to erect them into a separate Municipality, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Christie, the Honorable Mr. Laterrière, Mr. Taché, Mr. Fournier, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Lower Canada Bar Incorporation Bill.

The Order of the day for the second reading of the Bill to incorporate the Bar of Lower Canada, being read;

Ordered, That the Bill be read a second time, on Monday next.

City Bank Act Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the City Bank, and to provide for a reduction of its Capital Stock, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Lake St. Louis  
and Province  
Line Railway  
Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Lake St. Louis and Province Line Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous

Private Bills.

Church War-  
dens Bill.

The Order of the day for the second reading of the Bill to regulate the mode of calling and holding meetings for the election of Church Wardens, and the

rendering of accounts by Church Wardens, and to establish the qualification of persons entitled to attend such meetings, and for other purposes, being read;

Ordered, That the Bill be read a second time, on Monday, the ninth day of April next.

Montague  
Boundary  
Line Bill.

The Order of the day for the second reading of the Bill to repeal the Act defining the boundary line between the Townships of Montague and North Elmsley, being read;

Ordered, That the Bill be read a second time, on Thursday next.

Bill relating to  
the Will of the  
late R.N. Starr.

The Order of the day for the second reading of the Bill to incorporate George Carruthers, H. Hogg, and William Hatelie, and their successors, to carry into effect the last Will and Testament of the late

Richard Noble Starr, being read;

Ordered, That the Bill be read a second time, on Monday next.

Bill relating  
to Causes in  
formâ pauperis.

The Order of the day for the second reading of the Bill to remove doubts as to the right of suing and defending Causes in formâ pauperis before the Courts of Law in Lower Canada, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Limited  
Partnerships  
(U.C.) Bill.

The Order of the day for the House in Committee on the Bill to authorize limited Partnerships in Upper Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. Dumas took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Dumas reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received, on Thursday next.

Bill requiring  
Mortgages to  
be Filed.

The Order of the day for the House in Committee on the Bill requiring Mortgages of personal property in Upper Canada to be filed, being read;

The House accordingly resolved itself into the said Committee.



(183)

Mr. Seymour took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Seymour reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received, on Thursday next.

Then, on motion of Mr. Laurin, seconded by Mr. Richards,  
The House adjourned.

APPENDIX: 26 MARCH 1849.

((NOTICE OF MOTION RE: LIBEL LAW.))<sup>101</sup>

MR. MORRISON gave notice that he would move to-morrow for leave to bring in a bill to amend the Law of Libel.--(Hear, hear.)<sup>102</sup>

((QUESTION AND ANSWER RE: MAIN ROAD BETWEEN ST. LAWRENCE AND OTTAWA RIVERS.))<sup>103</sup>

MR. BELL ((made)) an inquiry.<sup>104</sup>

MR. AT. GEN. LAFONTAINE said it was not the intention of the Ministry to expend any money on the Main Road between the St. Lawrence and Ottawa Rivers, passing through the Bathurst District.<sup>105</sup>

((QUESTION AND ANSWER RE: POST OFFICE.))<sup>106</sup>

MR. CAUCHON ((enquired)) as to whether it was the intention of the Ministry to take any steps with the British Government to induce it to continue sending the English Mails through the British Provinces rather than by way of the United States.<sup>107</sup>

MR. AT. GEN. BALDWIN<sup>108</sup> or MR. INSP. GEN. HINCKS<sup>109</sup> said he could give no pledges.<sup>110</sup> L'administration avait lieu de croire que le département des postes serait mis cette année sous le contrôle du gouvernement local; qu'un bill serait probablement introduit à cet effet, durant cette session; tandis que, de leur côté, pour effectuer le même objet, les ministres de la métropole en soumettraient un au parlement impérial, et que, conséquemment, elle croyait devoir pour le moment s'abstenir de toute action ou de toute intervention de cette nature.<sup>111</sup>

FOOTNOTES: 26 MARCH 1849.

1. This petition was reported by: PILOT, 28 March 1849, and BROCKVILLE RECORDER, 5 April 1849, in identical accounts.
2. PILOT, 28 March 1849.
3. This motion was reported by: PILOT, 28 March 1849; and MONTREAL GAZETTE, 28 March 1849, GLOBE, 4 April 1849, and BRITISH COLONIST, 6 April 1849, in identical accounts.
4. MONTREAL GAZETTE, 28 March 1849.
5. IBID.
6. PILOT, 28 March 1849.
7. MONTREAL GAZETTE, 28 March 1849.
8. IBID.
9. The debate on this matter was reported by: PILOT, 28 March 1849; MONTREAL GAZETTE, 28 March 1849, GLOBE, 4 April 1849, and STANSTEAD JOURNAL, 5 April 1849, in identical accounts; and BRITISH COLONIST, 6 April 1849, and PRINCE EDWARD GAZETTE, 6 April 1849, in identical accounts. LE JOURNAL DE QUEBEC, 29 March 1849, noted the debate.
10. PILOT, 28 March 1849.
11. BRITISH COLONIST, 6 April 1849.
12. MONTREAL GAZETTE, 28 March 1849.
13. BRITISH COLONIST, 6 April 1849.
14. MONTREAL GAZETTE, 28 March 1849.
15. PILOT, 28 March 1849.
16. BRITISH COLONIST, 6 April 1849.
17. MONTREAL GAZETTE, 28 March 1849.
18. BRITISH COLONIST, 6 April 1849.
19. MONTREAL GAZETTE, 28 March 1849.
20. PILOT, 28 March 1849.
21. BRITISH COLONIST, 6 April 1849.
22. IBID.
23. IBID.
24. PILOT, 28 March 1849.
25. IBID.
26. IBID.
27. This matter was reported by: MONTREAL GAZETTE, 28 March 1849, and GLOBE, 4 April 1849, in identical accounts.
28. MONTREAL GAZETTE, 28 March 1849.
29. IBID.
30. IBID.
31. The debate on this motion was reported by: PILOT, 28 March 1849, and BATHURST COURIER, 13 April 1849, in accounts identical except that BATHURST COURIER omitted several speeches; MONTREAL GAZETTE, 28 March 1849, and GLOBE, 4 April 1849, in identical accounts; and HAMILTON SPECTATOR, 4 April 1849, BRITISH COLONIST, 6 April 1849, and PRINCE EDWARD GAZETTE, 6 April 1849, in accounts identical except that PRINCE EDWARD GAZETTE abbreviated and omitted speeches. LA MINERVE, 29 March 1849, and PILOT, 28 March 1849, noted the debate.
32. PILOT, 28 March 1849.
33. BRITISH COLONIST, 6 April 1849.
34. PILOT, 28 March 1849.



35. MONTREAL GAZETTE, 28 March 1849.
36. BRITISH COLONIST, 6 April 1849.
37. PILOT, 28 March 1849.
38. BRITISH COLONIST, 6 April 1849.
39. PILOT, 28 March 1849.
40. IBID.
41. BRITISH COLONIST, 6 April 1849.
42. PILOT, 28 March 1849.
43. BRITISH COLONIST, 6 April 1849.
44. PILOT, 28 March 1849.
45. BRITISH COLONIST, 6 April 1849.
46. PILOT, 28 March 1849.
47. BRITISH COLONIST, 6 April 1849.
48. PILOT, 28 March 1849.
49. BRITISH COLONIST, 6 April 1849.
50. PILOT, 28 March 1849.
51. BRITISH COLONIST, 6 April 1849.
52. PILOT, 28 March 1849.
53. IBID.
54. IBID.
55. IBID.
56. MONTREAL GAZETTE, 28 March 1849.
57. BRITISH COLONIST, 6 April 1849.
58. MONTREAL GAZETTE, 28 March 1849.
59. BRITISH COLONIST, 6 April 1849.
60. IBID.
61. MONTREAL GAZETTE, 28 March 1849.
62. PILOT, 28 March 1849.
63. BRITISH COLONIST, 6 April 1849.
64. PILOT, 28 March 1849.
65. BRITISH COLONIST, 6 April 1849.
66. PILOT, 28 March 1849.
67. MONTREAL GAZETTE, 28 March 1849.
68. PILOT, 28 March 1849.
69. MONTREAL GAZETTE, 28 March 1849.
70. PILOT, 28 March 1849.
71. MONTREAL GAZETTE, 28 March 1849.
72. PILOT, 28 March 1849.
73. MONTREAL GAZETTE, 28 March 1849.
74. PILOT, 28 March 1849.
75. BRITISH COLONIST, 6 April 1849.
76. MONTREAL GAZETTE, 28 March 1849.
77. PILOT, 28 March 1849.
78. IBID.
79. IBID.
80. BRITISH COLONIST, 6 April 1849.
81. PILOT, 28 March 1849.
82. MONTREAL GAZETTE, 28 March 1849.
83. BRITISH COLONIST, 6 April 1849.
84. PILOT, 28 March 1849.
85. IBID.
86. MONTREAL GAZETTE, 28 March 1849.

87. PILOT, 28 March 1849.
88. BRITISH COLONIST, 6 April 1849.
89. MONTREAL GAZETTE, 28 March 1849.
90. PILOT, 28 March 1849.
91. MONTREAL GAZETTE, 28 March 1849.
92. BRITISH COLONIST, 6 April 1849.
93. PILOT, 28 March 1849.
94. BRITISH COLONIST, 6 April 1849.
95. PILOT, 28 March 1849.
96. BRITISH COLONIST, 6 April 1849.
97. IBID.
98. This motion was reported by: MONTREAL GAZETTE, 28 March 1849, and GLOBE, 4 April 1849, in identical accounts. The MONTREAL GAZETTE noted: "This Bill involved the case of Joseph Donegani, and enables persons who have become naturalized to hold property in the same manner as British subjects."
99. MONTREAL GAZETTE, 28 March 1849.
100. IBID.
101. This notice was reported by: MONTREAL GAZETTE, 28 March 1849, GLOBE, 4 April 1849, and ST. CATHARINES JOURNAL, 5 April 1849, in identical accounts; and PILOT, 28 March 1849, and BROCKVILLE RECORDER, 5 April 1849, in identical accounts.
102. PILOT, 28 March 1849.
103. This matter was reported by: MONTREAL GAZETTE, 28 March 1849, GLOBE, 4 April 1849, and PRINCE EDWARD GAZETTE, 6 April 1849, in identical accounts.
104. MONTREAL GAZETTE, 28 March 1849.
105. IBID.
106. This matter was reported by: MONTREAL GAZETTE, 28 March 1849, GLOBE, 4 April 1849, STANSTEAD JOURNAL, 5 April 1849, and PRINCE EDWARD GAZETTE, 6 April 1849, in identical accounts; LA MINERVE, 29 March 1849; and LE JOURNAL DE QUEBEC, 29 March 1849.
107. MONTREAL GAZETTE, 28 March 1849.
108. IBID.
109. LE JOURNAL DE QUEBEC, 29 March 1849.
110. MONTREAL GAZETTE, 28 March 1849.
111. LE JOURNAL DE QUEBEC, 29 March 1849.

TUESDAY, 27 MARCH 1849.

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Desjardins  
Canal  
Company.

MR. SPEAKER laid before the House the following Return to an Order of the sixth instant, viz.: Receipts and Expenditures of the Desjardins Canal Company, from the year 1837 to the year 1848, inclusive.

Appendix  
(W.W.W.)

For the said Return, see Appendix (W.W.W.)

Clerical  
Visitors of Sick  
Emigrants.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Supplementary Return to so much of an Address from the Legislative Assembly to His Excellency the Governor General, dated the 29th January, 1849, praying that His Excellency would be pleased to cause to be laid before the House, a Return of all sums of money paid during 1848, for the service of 1847, to Clerical Visitors of sick Emigrants at Grosse Isle, Quebec, Montreal, and elsewhere, with the name and claims of each recipient.

Appendix  
(K.K.K.)

For the said Supplementary Return, see Appendix (K.K.K.)

St. Antoine de  
L'Isle aux Grues  
Municipality  
Bill.

An engrossed Bill to detach the Parish of St. Antoine de L'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Fournier do carry the Bill to the Legislative Council, and desire their concurrence.

Bill relating  
to Causes in  
formâ pauperis.

An engrossed Bill to remove doubts as to the rights of suing and defending Causes in formâ pauperis before the Courts of Law in Lower Canada, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Lemieux do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Boulton,--The Petition of I.W. Powell, President, and M.H. Foley, Secretary of the Talbot District Temperance Association, on behalf of the same.

By the Honorable Mr. Cameron, of Kent,--The Petition of George Chaperon, of the Parish of St. Pierre and St. Paul, County of Saguenay; and the Petition of Francis Drake, President of the County of Kent Agricultural Society, on behalf of the said Society.

By Mr. M'Farland,--The Petition of George S. Wilkes and others, of the Districts of Niagara and Gore.

Desjardins  
Canal

Ordered, That the Return to an Order of this House of the 6th instant, being,--Receipts and Expendi-



Company.

of this House.

Petition of  
E. Cartier  
and others;

Of Desprès  
and Tetu;

Village of St. Hyacinthe.

Of the Revd.  
C.L. Vinet  
and others;

Of the Revd.  
P. Bedard  
and others,  
referred.

Report on  
Petition of  
H. Smith  
and others.

followeth:--

Your Committee have examined the Petitions of Henry Smith, Esquire, and others, of the Townships of Grimsby, Gainsborough, and Caistor, in the Niagara District, and of Henry Morgan and others, inhabitants of the Townships of Binbrook and Saltfleet, in the Gore District, referred to them, praying Your Honorable House will be pleased to take into Your favorable consideration the state of the country lying between Hamilton in the Gore District, and Fort Erie in the District of Niagara, which has hitherto been greatly neglected, for want of Roads to open up that line of country; and further praying that Your Honorable House will be pleased to pass a Bill authorizing the formation of a Plank or Macadamized Road, or partly of the one add partly of the other, (as may be found most expedient,) from the City of Hamilton; through Smithville, Pelham, and Port Robinson, to Waterloo Ferry, in the Niagara District, it being the opinion of the Petitioners that the above mentioned line of Road would be highly advantageous to the Agricultural and Commercial community, and would form a most desirable Military line of communication with the Niagara Frontier.

Your Committee are of opinion that it would be highly advantageous, to the Agricultural part of the community, to open up that section of the country by the construction of a Road, which might also be advantageous as a Military communication with the Niagara Frontier.

Your Committee consider that the provisions of the Bill, now before Your Honorable House, authorizing the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, are amply sufficient to meet the views of the Petitioners on this subject.

Ordered, That the said Report be printed for the use of the Members of this House.

tures of the Desjardins Canal Company from 1837 to 1848, be printed for the use of the Members

Ordered, That the Petition of E. Cartier and others, of the Parish of St. Hyacinthe, and the Petition of E.L.R.C. Desprès, and J.F. Tetu, of the Parish of St. Hyacinthe, be referred to the Select Committee to which is referred the Petition of Joseph Bistodeau and others, of the

Ordered, That the Petition of the Reverend C.L. Vinet and others, of the Parish of St. Constant, District of Montreal, and the Petition of the Reverend Pierre Bedard and others, of the Parish of St. Rémi, District of Montreal, be referred to the Select Committee appointed to enquire whether any and what Legislative measures can be adopted to repress the evils growing out of Intemperance.

Mr. M'Farland, from the Select Committee to which was referred the Petition of Henry Smith, Esquire, and others, of Grimsby and other Townships, and another reference, presented to the House the Report of the said Committee; which was read, as

On motion of Mr. Laurin, seconded by Mr. Lemieux,

Quebec Dis-  
trict Teachers  
Association  
Bill.

Ordered, That the Bill to incorporate the Teachers' Association of the District of Quebec, be committed to a Committee of the whole House, for to-morrow.

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Railroad and  
Telegraph  
Line Bills.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the Honorable Mr. Robinson be added to the Standing Committee on Railroad and Telegraph

Line Bills;

Mr. Cauchon moved in amendment to the Question, seconded by Mr. Smith, of Durham, That the words "The Honorable Mr. Robinson" be left out, and the words "Mr. M'Connell" inserted instead thereof.

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That Mr. M'Connell be added to the Standing Committee on Railroad and Telegraph Line Bills.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Lachine Rail-  
road Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act further to amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes," with several Amendments; to which they desire the concurrence of this House.

And then he withdrew.

Petition of  
Hamilton &  
Thompson,  
and others.

Ordered, That the Petition of Messieurs Hamilton and Thomson, and others engaged in the Lumber Trade of Canada, be printed for the use of the Members of this House.

Clerks of the  
Peace, Quebec.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, of the 22d February last, praying him to cause to be laid before the House, a Statement of the fees, income and salary of the Clerks of the Peace at Quebec for the years 1844, 1845, 1846, 1847, and 1848, and also of the number of Causes or Prosecutions brought before the Superintendent of Police, and before the Magistrates of the District, and the amount of the fees of the said Clerks of the Peace upon each Prosecution or action; the number of Prosecutions for assault, battery, or breach of the peace; the number of Bail-bonds given and furnished, and the fees of the said Clerks on each; the number of Indictments laid before the Grant Jurors at the Quarter Sessions of the Peace, and the nature of such Indictment, and the fees of the said Clerks thereon; and the number of Warrants for apprehension and imprisonment, and the fees of the said Clerks thereon.

Appendix  
(X.X.X.)

*For the said Return, see Appendix (X.X.X.)*

*On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Attorney General Baldwin,*

Customs Man-  
agement Act.

*Resolved, That this House do now resolve itself into a Committee, to consider the propriety of continuing and amending the Act for the management*

*of the Customs.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Beaubien took the Chair of the Committee;*<sup>1</sup>

MR. INSP. GEN. HINCKS said that the bill the continuance of which he now proposed, had been in force for several years, but it was one of those that would expire at the end of the session, and which could have been reviewed along with other expiring laws but that certain amendments were requisite under the new arrangements which were about to take place. The ports of Quebec and Montreal, hitherto under the management of the Commissioners of Customs in England would come under the management of the Provincial Government, and it was necessary to limit the amount of salary to be given to the Collectors of those ports. The salaries of the collectors were at present much higher than it was proposed to make them under the amended law. At present the emolument of the Collector at Quebec was £1,300 or £1,400 per annum; that of the Collector at Montreal £1,000.<sup>2</sup> It was proposed not to authorize the Governor to allow any salaries of the Custom House to excede £750.<sup>3</sup>

SIR A. MACNAB inquired what was the salary of the two officers at present?<sup>4</sup>

MR. INSP. GEN. HINCKS.--That of the Collector of Quebec was £1,000; that at Montreal £1,000.<sup>5</sup>

SIR A. MACNAB.--Then the intention is to reduce the salaries?<sup>6</sup>

MR. INSP. GEN. HINCKS.--Yes; certainly.<sup>7</sup>

MR. CHRISTIE asked what it was proposed to do with the present incumbents, and whether they were to be thrown overboard.<sup>8</sup>

MR. INSP. GEN. HINCKS could not give the hon. member any information on that subject, for this reason, that it was only within the last few weeks that the despatch had been received informing the Provincial Government that the Imperial authorities were prepared to give over the Customs entirely to the Provincial Government; but neither of the Collectors had yet heard anything from the Imperial authorities respecting themselves, although they were expecting to hear by every mail. If they continued in their office, they must, of course, continue at the salary fixed by law; but he (Mr. Hincks) did not know anything of their intention, but he believed they were entitled to a retiring allowance.<sup>9</sup>

MR. CHRISTIE asked if it was to be paid by the Province.<sup>10</sup> He knew the Collector of Quebec considered himself entitled to a pension, but he did not know anything about the Collector of Montreal.<sup>11</sup>

MR. INSP. GEN. HINCKS said those officers could not be provided for out of the Provincial revenue.<sup>12</sup> He did not know if the repeal of the navigation



laws, would not affect the question, and<sup>13</sup> he believed it was the intention of the Imperial Government to keep up an establishment here for the regulation of the Navigation Laws, Statistical purposes, &c.<sup>14</sup>

MR. H. SHERWOOD (Toronto) took it for granted, that, as these officers were in the employ of the Imperial Government, if they were provided for at all, they would be provided for by the Imperial Government, unless the Provincial Government were prepared to offer to the Imperial Government to continue those persons in office, which, from all he (Mr. Sherwood) had heard, he did not think at all likely.<sup>15</sup>

MR. INSP. GEN. HINCKS.--Why not? The hon. member may have heard a great many strange things. I cannot say what he may have heard.<sup>16</sup>

MR. H. SHERWOOD.--I have heard that the hon. gentleman himself is to fill the office at Quebec.<sup>17</sup>

MR. INSP. GEN. HINCKS.--I can assure the hon. and learned member that it is not the case. I have not the slightest idea of being Collector of the Port of Quebec; it never entered into my head. The hon. and learned member has not got rid of me out of this House yet.--(Hear, hear, and laughter.)<sup>18</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Beaubien reported, That the Committee had come to a Resolution.*

*Ordered, That the Report be received to-morrow.*

*Public Debt,  
&c., Bill.*

*The Order of the day for the second reading of  
the Bill for the better management of the Public  
Debt, Accounts, Revenue, and Property, being read;*

MR. INSP. GEN. HINCKS moved the second reading of the Bill for the better management of the public debt. The question having been already discussed at great length, he did not think it would be of any use to discuss it again, more particularly as hon. gentlemen opposite had had an opportunity of putting their amendments on the Journals.<sup>19</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Wetenhall took the Chair of the Committee; and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Wetenhall reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.*

*Ordered, That the Bill be engrossed.*

*Interpretation  
of Terms Bill.*

*The Order of the day for the second reading of  
the engrossed Bill from the Legislative Council, in-  
titled, "An Act for putting a Legislative Interpre-*

tation upon certain Terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes," being read;

*The Bill was accordingly read a second time.*

*Ordered, That the Bill be read a third time, to-morrow.*

Municipal  
Corporations  
(U.C.) Bill.

*The Order of the day for the second reading of the Bill to provide by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and*

*Villages in Upper Canada, being read;*

*The Honorable Mr. Attorney General Baldwin moved, seconded by the Honorable Mr. Price, and the Question being proposed, That the Bill be now read a second time;*<sup>20</sup>

MR. H. SHERWOOD (Toronto) would not oppose the bill in this stage, believing that the objections he had to urge would apply better to that stage of the proceedings in which the details would be discussed. Doubtless, the petition of his constituents<sup>21</sup> from Toronto, which had been presented<sup>22</sup> against many parts of the bill would be properly regarded and amendments made accordingly. But he must say that he believed the people were satisfied with their present<sup>23</sup> District Councils<sup>24</sup> and began to believe they would receive benefits from them which were not at first hoped for. He was, therefore, of opinion, that they should not be too speedily changed. He objected, therefore, to the division of the present districts into townships, and counties. He understood a similar change in Lower Canada had not worked well, and he believed it would not work well in Upper Canada. He thought the machinery this created would be very expensive, and would be so cumbrous and so ill understood, as to destroy the popularity which the District Councils were now universally acquiring for themselves. Besides there had been no time as yet for the people of Upper Canada to consider and express an opinion on the bill, and many districts had already petitioned for its being delayed till next session.<sup>25</sup> The arguments in the report which he had brought forward were conclusive against the measure. Others were desirous that it should be postponed, and embracing as it did such a cumbrous machinery, he was opposed to the principle of the bill.<sup>26</sup> But as he had said already he would not divide the House upon it. When the bill had passed the second reading, as he supposed it would, and the details came to be discussed, he should be ready to propose such amendments<sup>27</sup> in ... Committee<sup>28</sup> as were demanded by his constituents.<sup>29</sup> He could not express objections more forcibly than they were expressed in the report itself; they were conclusive as to the fact that the bill was not called for now. It was an innovation before the District Councils have had time to work.<sup>30</sup> Individually he had been opposed to the establishment of the Municipalities of Upper Canada; but he confessed that they had worked very well, and were daily becoming more popular. He thought that a reason why they should not be too hastily disturbed.<sup>31</sup>

MR. AT. GEN. BALDWIN said he was aware that this bill was not favourably (sic) received in all parts,<sup>32</sup> that some whose opinions he respected, had desired them to postpone the measure.<sup>33</sup> But he thought that in all cases that arose from the parties who opposed it not having had sufficient time

to give it that attention which was requisite to understand its provisions.<sup>34</sup> He would make a few remarks regarding the history of municipal councils in Upper Canada.<sup>35</sup> The Upper Canada Legislature had clearly proved that they were acquainted with the necessity of giving to the people the management of their local affairs, as they had shown by passing<sup>36</sup> act 33, Geo. 3, cat. 2<sup>37</sup> for that purpose, in the second session of the Parliament of Upper Canada<sup>38</sup> in 1793.<sup>39</sup> Perhaps it would be as well to mention for the information of hon. gentlemen from Upper Canada, who, possibly were not acquainted with the fact, that it was at one time found necessary to stimulate the people in the exercise of the power vested in them; for an Act was passed providing that where the people did not avail themselves of that power, the appointment of the Municipal Officers should rest with the quarter sessions. Showing clearly that at first there was a disinclination to take any part in the Municipal elections in Upper Canada, as well as in Lower Canada.<sup>40</sup> It had been made ... a matter of reproach to Lower Canadians, that they had not availed themselves of the powers conferred on them, of appointing their Parish and Town officers. As the progress of legislation went on, it was found to act well as far as their power went<sup>41</sup> and from time to time other acts were passed, enlarging the powers of the people. At a later period, in 1835--a bill was introduced by one of the members for Lenox (sic) and Addington, which after being in operation a short time was repealed, and they fell back, on the old system of municipal organization. The Act under which the Municipalities are now organised was passed during Lord Sydenham's Government. He concurred fully in the principle of that bill, although he and a considerable minority were anxious to have it amended in a few particulars, and he was happy to find<sup>42</sup> those who doubted the utility of the experiment, now<sup>43</sup> convinced of the advantage of the people having the management of their local affairs in their own hands, and he did not believe that any large portion of either political party would now come forward to deprive the people of<sup>44</sup> the power of concentrating their influence<sup>45</sup> which, in reality, had the effect of creating a school of practical statesmen, and taught them the importance of civil institutions.<sup>46</sup> The object of the bill was to place power in the hands of the different localities, and to enable the several Townships to transact their affairs as cheaply as they pleased. To extend to them a regular municipal organization.<sup>47</sup> The bill before the House was divided into two portions. The rural, or what related to the affairs of the Townships, and the urban, relating to the appointment of Corporation Officers. In a bill so voluminous,<sup>48</sup> ((which)) involved a mass of minute details,<sup>49</sup> he had no doubt there were numerous defects, and when it was referred to a committee, in order to discuss the details, he would be prepared to give every attention to the proposed amendments of hon. members, in order to meet the views of all parties as much as possible, and to try and make the bill unexceptionable. One of the principal objections to the bill was that instead of the qualification for Alderman being a rental of £60, as at present, it was proposed to alter it to real estate of £750. Now he had no desire to make the qualification higher than it is at present, and it could easily be shewn that the rental of £60 was a higher qualification than that which he proposed.<sup>50</sup>

MR. H. SHERWOOD (Toronto) said the change was objectionable, as it prevented persons who did not hold real estate from being elected, although well qualified otherwise.<sup>51</sup> It was not necessary for a man to have any real



estate of his own, but that he might only rent a house for £50 a year.<sup>52</sup>

MR. AT. GEN. BALDWIN understood the objection of the hon. gentleman, but as it was a matter of detail, it would be discussed far better in committee of the whole, to which he proposed to refer it after it had been read a second time, when hon. gentlemen could also lay before the committee the petition, with which they were entrusted.<sup>53</sup> ((He)) made those remarks to show how readily the bill might be misapprehended by those who had not given sufficient time to consider it. Those who dealt with the property of their fellow subjects should have some property themselves; but he was free to admit that if the scope were narrowed too much it might become an evil and that it would be difficult to find men. The great principle of the bill was to provide for the country at large a machinery by which they would have the control of their own local affairs. If the hon. member for Toronto was opposed to that principle, he would not expect him to vote for the second reading of the bill. It was a measure on which he (Mr. B.) had heard no difference of opinion. He would move at present that the bill go into Committee pro forma, and he would afterwards refer it to a large Special Committee which was a course he had found to act well in 1843.<sup>54</sup>

MR. ROBINSON regretted that he should be forced to vote against the motion for the second reading of the bill<sup>55</sup> for it must have caused much time and trouble during the recess<sup>56</sup>. He believed that it would do the country great injury. District Councils were now only beginning to work well, and it was a pity to interfere with them.<sup>57</sup> He heard no approval on this measure from any part of the Province; on the contrary, there were numerous petitions, praying it should not be pressed through this session.<sup>58</sup> The Victoria and Niagara Councils had sent petitions praying that action should not be taken on it, and, he believed, such was the general feeling all over the country. The people felt that things of that kind should not be changed so frequently; Districts Councils were not popular at first, and they were only just beginning to work well.<sup>59</sup> Giving the Hon. Attorney General every praise for his talent and desire to do what would be good for the country, he yet did not think that he knew so much of the opinions of the people in the country as many other gentlemen, as the honourable member for Prince Edward and others.<sup>60</sup> He agreed with the remarks made by the hon. Attorney General West last night, that "it was our duty to work our institutions such as we had them," and "that the country required quiet practical legislation."<sup>61</sup> Now, to compare small things to great, the same caution would apply to this measure.<sup>62</sup> And he (Mr. R.) did not see why they should introduce the present measure. He would read from a newspaper a resolution<sup>63</sup> he was much struck with<sup>64</sup> expressing the sentiments of the people of the county of Carlton on the subject of uncalled for legislation--

"This meeting cannot separate (sic) without recording their protest against the Legislation, now introduced, such as the obnoxious Assessment Bill--the cumbrous machinery for managing Municipal affairs--the new Election Bill, Representation, &c., are only part of a system of organization for promoting the purposes of the party now in power, and not diffuse a general benefit over the fact of Society in the Province; and that these measures are forced upon the country without being petitioned or sought for, as if it was destined that the people of Upper Canada should never, at any one period, enjoy any system of laws long enough to understand them." There was generally a good deal of truth and many practical suggestions in

petitions from the country when they wanted legislation on any subject. In the country places it would be found that there were few who could afford to give their time for nothing.<sup>65</sup> The bill was intricate, and would make the system expensive. In his county, for example, there would be ninety-five or one hundred townships, in all of which the officers would, of course, have to be paid as they now were in the districts.<sup>66</sup> The hon. Inspector General had told them that "District Councils worked well." He (Mr. R.) thought that they should let well alone. The present measure would take the country by surprise, and it was not asked for<sup>67</sup>, at least this session. From his own county he had several amendments sent down, which it was desired to add to the bill.<sup>68</sup> The bill must have taken the hon. gentleman a great deal of trouble to prepare, and he (Mr. R.) did not wish to throw it entirely out, but thought that it should not be passed until the next Session. He would therefore move that it be not now read a second time, but that it be deferred to the next Session of the Legislature.<sup>69</sup>

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*The Honorable Mr. Robinson moved, seconded by Mr. Stevenson, and the Question being put, That the further consideration of the said Question be postponed until the next Session of the Legislature;*

MR. INSP. GEN. HINCKS said the party of the last hon. speaker had<sup>70</sup> been entirely opposed to the<sup>71</sup> establishment of municipal institutions. It was now admitted they worked well<sup>72</sup>. He (Mr. B.) (sic) considered the bill before the House, the most admirable and the best ever brought in a Canadian Parliament<sup>73</sup>. But the same persons who opposed the establishment of municipalities, now opposed further concessions in the same direction. It was evident that those who had introduced the system would not be likely to change the law intentionally, so as to make the system worse<sup>74</sup>. At the time that was passed the hon. Attorney General West opposed the bill, because its provision did not extend to Townships.<sup>75</sup> He had supported the present law; but had even then, and ever since, been in favour of township municipalities<sup>76</sup>. Hon. gentlemen state that several Districts were opposed to the bill; he (Mr. H.) was aware of the fact. The District councils of the county which he represented were in favor of the measure.<sup>77</sup> It was evident that though many would likely be in favour of a system that worked tolerably well, the people in general must be in favour of an amendment that would bring the management of their local affairs to their own doors. At present the concerns that the districts had to manage were often of an entirely township character. There were, for example, the Schools. The funds for those establishments were collected by the District Council; but they were divided among the townships. The same thing happened with local improvements,<sup>78</sup> and he asked would they not be more satisfied in having them under their own management. With regard to local improvements, they got money from the different Townships and then sent it to be parcelled out by the District councils.<sup>79</sup> In fact, the representative of each township, to a great extent, managed the whole business of that township himself. Now, these people travelled often fifty or sixty miles to transact this business, which could be done much better on the spot. If there were any works of a general character common to the whole district, there was a provision in the bill to meet the case.<sup>80</sup> He denied that there would be any difference with regard to expense.<sup>81</sup> There was also a provision to meet the case of District debts; but on this subject he might allude to what had taken place in the

Welland District. There a road had been made in the Waterloo Township, which the rest of the district thought useless to them, and at which they were, consequently much annoyed. He believed the people<sup>82</sup> of Upper Canada<sup>83</sup> were decidedly in favour of township municipalities<sup>84</sup> although he did not suppose that the bill was quite perfect.<sup>85</sup> In 1843, a similar bill would have been passed but for the disruption of the Ministry; but it went through the House without opposition, and was improved with great zeal by members of all parties.<sup>86</sup>

MR. H. BOULTON (Norfolk) considered the measure one of great importance, particularly that part of it which had reference to the rural portions of the country. He suggested that it would be better to divide the bill into two parts,<sup>87</sup> separating that part which related to the urban from that part which related to the small population<sup>88</sup> as it would make it less complicated.<sup>89</sup> This would make it more simple and intelligible to the people of the country, who could not be supposed to understand a very intricate law.<sup>90</sup> He hoped the measure would not be postponed.<sup>91</sup> He was greatly in favour of township municipalities; for at present there was no responsible Government in the District Councils, but things were too much regulated by backstairs influence. If the township system were adopted, on the contrary, everything done by the representatives would be immediately under the eyes of their constituents. The interference of one township in the affairs of another was now considered a great evil, and was a cause of considerable annoyance. In his own county some dissatisfaction had occurred relative to the Townships, which had prevented the building of a school house. The same thing had occurred in the Newcastle District. There would be far less expense, too, in each township attending to its own concerns, than in the present mode of assembling the whole District to discuss the business of each locality.<sup>92</sup>

MR. STEVENSON who was at times quite inaudible to the reporters' gallery, briefly stated that he was opposed to the bill, because from the experience he had had in the management of municipal affairs he did not believe that the plan of Township Councils would be found to work well<sup>93</sup> and ... they were unnecessary. The improvements required by one township would not suit another, and confusion would be universal. It was two (sic) a measure to be carried into effect without being discussed by the people. It would repeal some 50 or 60 statutes of Upper Canada. It changed the manner of improving roads, and would have decidedly bad effect. There was no object in erecting small municipalities; they could find persons to carry them into effect. The present District Councils were quite sufficient, and did not require any further extension.<sup>94</sup> He was opposed to any alteration<sup>95</sup>.

MR. J.S. MACDONALD (Glengarry) was free to confess that he was not altogether in favour of a change. He believed there would be great difficulty in getting individuals in the different townships who would carry out the wishes of the people. He did not think the country was yet ripe for it, but still if the House was to wait till a demand was made by the people, and a change called for it would be a difficult matter for them to move at all. He would like to ask if, when the District Councils were established under Lord Sydenham, there were petitions in favour of them. He opposed them at that time, but they were forced upon the country in the same manner as the present bill would be, because the country in neither case could be said to have asked for it. He acknowledged that the bill at present in force was



objectionable in many respects, especially the great distance the people have to travel, and the expense they are put to, in attending meetings of Council, and where on many occasions they resolved themselves into little Parliaments, and often entered into coalition, providing that if such a party could do something for another party the compliment would be returned in some other way, and thus very often the business of the district was retarded. He was not sure if the measure before the House would work so well as the old one, but as he had no doubt the Ministry had considered the subject well, he was willing to give it a trial. No doubt the measure would tend to circumscribe the influence of Councils, and it would be opposed by some on this account, but on the other hand it would be of some advantage to the people living around Toronto and other places, whence they had to travel 60, 70, or perhaps 100 miles, when they wanted to get roads or bridges improved or altered. Municipal institutions ought to settle their own affairs, and he thought the present measure was a near approach to it, therefore he would not support the amendment which the hon. member for Simcoe had prepared, as he was inclined to believe the measure under discussion was an improvement on the existing law.<sup>96</sup>

MR. WILSON was in favor of the bill<sup>97</sup>. ((He)) had been appointed Warden to a District Council, and after five years experience found, though at first opposed to them, that the municipalities worked well. The bill proposed first to incorporate villages, towns and cities<sup>98</sup>. It would give all the cities and towns in Upper Canada the same power and privileges.<sup>99</sup> That was a great good, for application was being constantly made for incorporations of this kind<sup>100</sup> and amendments to such Acts<sup>101</sup> each time containing some new crotchet. Under this bill villages would become towns, and towns cities, without any new legislation, and a decision in court relative to one, would be a decision equally applicable to all<sup>102</sup>, a precedent for the whole country.<sup>103</sup> He approved of that part of the bill, and he also approved of the new divisions of township municipalities, for at present the time of the District Councils was taken up with township business, which, after all, was really transacted by the Councillor for that township, who claimed that management as his right. He approved, too, of the mode of managing the elections under the new bill<sup>104</sup> allowing the Township councils to appoint the Township officers<sup>105</sup> for, under the old law, the elections were managed with very little discretion<sup>106</sup> as the Township meetings for that purpose were generally very rude and noisy affairs.<sup>107</sup> He knew one case in the London District, where a crafty individual got a cask of whiskey, which he put on one side of the meeting, so that a number collected around the cask, and were counted in the division for a majority. That would be remedied by the appointment of the Officers by the Municipal Councils. It was said, however, that there would be no men found discreet enough to manage the new Municipalities. If there were not such men, the sooner they were formed the better.<sup>108</sup> He thought that the roads and schools would also be much better managed if placed under the controal (sic) of the Townships; they were told that it would be difficult to get proper persons to fill the offices in some parts of the country. If any Townships had not proper persons to manage their affairs, it was time that they tried to get them. The same objection was urged against the creation of District Councils; but any doubts on this point were soon dispelled, and if any Townships could not find fit persons now, there were persons who would learn to fill any offices; history showed them that men would always be found fit for the

occasion. For those reasons he would support the second reading of the bill, although he was not in favour of its details, because he thought the general principle of the bill was good and he thought that the fears of the gentlemen on his (Mr. W.'s) side of the House, who were opposed to it, would prove groundless.<sup>109</sup>

MR. J. SMITH of Durham would vote in favor of the bill because it gave a general law for the whole country, and would render the system of local assessment uniform throughout the country. He was also in favor of the bill because it enabled villages and towns, when they increased in population, to become towns and cities, without any necessity of their coming to the House for power to become so. Again, he was in favor of the bill because it allowed the rural townships to manage their own affairs. The objection raised by some members, that it might be found difficult to get proper persons to carry on their affairs he thought were answered by the member for London. If the people were not allowed any opportunity of managing their affairs, they would never become capable of doing so, but if they were allowed to manage their own affairs, they would soon become capable of doing so in a proper manner; but even admitting that there was any ground for the objection as regarded the newer and thinly settled parts of the country. It was unjust (sic) that they should, therefore, deprive the older and better settled townships from managing their own affairs, when they were qualified to do so--then with regard to the District Councils it was not proposed to abolish them altogether. The town Reserves under this bill would become members of the general Council, which would manage the general affairs of the District. And if it was true that politics entered into the District Councils, which he did not believe to be the case, to any great extent at least. No better reason could be cited for adopting the bill before them. In every point of view, although some difficulties might be found in carrying out some provisions of the bill, in some of the newly settled parts of the country. He thought the bill a most desirable one.<sup>110</sup>

MR. ROBINSON made remarks against the bill--which were inaudible in the reporters' box.<sup>111</sup>

MR. AT. GEN. BALDWIN thought the proposition to divide the bill should come up when its details were considered, and it became known exactly what was to be divided. If the opinion in favour of dividing it were general he thought it might then be done<sup>112</sup> although his own opinion was that it would be more advantageous if the bill were allowed to remain as it was; as far as regarded the postponement of the bill beyond the present session,--he was opposed to it. If the bill was founded upon a just principle, he thought the sooner it could be put in operation the better; it was not very probable that such a comprehensive measure would be found to work well in all its details; and it would, probably, be returned for them to reconsider some of its details at a future day, and it was therefore desirable to put the bill into operation as soon as possible, in order that they might ascertain what was defective or faulty, that it be amended, and the bill rendered complete and perfect as soon as possible. As to the bill's not having been before the country, all he could say was that it formed one of the subjects mentioned in his address to his constituents and there was no necessity, after he and his colleagues had avowed their views upon this and other measures at the hustings, for the people sending down a petition asking for the measure when the country knew well that the Ministry were pledged to bring it

forward at as early a moment as possible.113

(184)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badley, Cayley, Crysler, Dickson, Macdonald of KINGSTON, Sir Ailan N. MacNab, Mulloch, Meyers, Robinson, Seymour, Sherwood of BROCKVILLE, and Stevenson.--(12.)

NAYS.

Messieurs Attorney General Baldwin, Solicitor General Blake, Boulton of NORFOLK, Boulton of TORONTO, Burritt, Cameron of KENT, Cartier, Christie, Davignon, Dewitt, Duchesnay, Dumas, Egan, Fergusson, Flint, Fournier, Hincks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Farland, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Taché, Thompson, Viger, Wetenhall, and Wilson.--(42.)

So it passed in the Negative.

Then the Question being put, That the Bill be now read a second time; Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Egan took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Egan reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

(185)

Ordered, That the Petition of the Municipal Council of the District of Gore; the Petition of the Municipal Council of the District of Newcastle; the Petition of the Mayor, Aldermen, and Commonalty of the City of Toronto; the Petition of the Municipal Council of the District of Niagara; the Petition of the Municipal Council of the District of Victoria; the Petition of George Rykert, Esquire, Chairman, and Thomas Foley, Secretary, on behalf of a meeting of the inhabitants of the Town of St. Catharines and Township of Grantham; the Petition of the City Council of the City of Hamilton; and the Petition of J. Bedard and others, of the Town of Bytown, be referred to the said Committee.

Election Bill.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof,



being read;

The House accordingly resolved itself into the said Committee.

Mr. Scott, of Bytown, took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Scott, of Bytown, reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till to-morrow.

Then, on motion of Mr. Scott, of Bytown, seconded by the Honorable Mr. Price,

The House adjourned.

APPENDIX: 27 MARCH 1849.

((QUESTION AND ANSWER RE: MONEY FOR SCHOOL IN ST. THOMAS,  
L.C.))<sup>114</sup>

MR. FOURNIER asked the Ministry whether any measure for the granting of a sum of money to the inhabitants of St. Thomas, in the District of Quebec, to enable them to erect an educational establishment for young ladies?<sup>115</sup>

MR. AT. GEN. LAFONTAINE replied in the negative.<sup>116</sup>

((QUESTION AND ANSWER RE: CONSTRUCTION OF WHARVES AT ST.  
JOLIETTE.))<sup>117</sup>

MR. FOURNIER ... asked whether the Government intend to cause wharves or piers to be constructed at St. Jolliette, in the said district?<sup>118</sup>

MR. AT. GEN. LAFONTAINE replied in the negative.<sup>119</sup>

((QUESTION AND ANSWER RE: IMPROVEMENT OF WHARVES AT ST. ROCHS  
DES AULNETS.))<sup>120</sup>

MR. FOURNIER asked whether it was their intention to grant aid towards improving the wharves at St. Roches des Aulnets, in the said district?<sup>121</sup>

MR. AT. GEN. LAFONTAINE replied in the negative.<sup>122</sup>

((QUESTION AND ANSWER RE: DIVISION OF GORE DISTRICT.))<sup>123</sup>

SIR A. MACNAB asked whether the Government intended to introduce any bill during the present Session for the division of the Gore District.<sup>124</sup>

MR. AT. GEN. BALDWIN said it was not their intention to do so.<sup>125</sup>

((NOTICE OF MOTION RE: PAYMENT OF WITNESSES ON PRIVATE BILLS'  
COMMITTEE.))<sup>126</sup>

MR. CHRISTIE, seconded by MR. MCCONNELL, moved that no Committee on private bills or local measures should have the power<sup>127</sup> ((to)) appropriate public monies for the payment of witnesses without an order of the House. He believed that the discussion on this subject<sup>128</sup> yesterday<sup>129</sup> had already had good effect, as one gentleman<sup>130</sup>, Mr. Wallis<sup>131</sup>, who had received<sup>132</sup> the sum of £19 17s. 6d.<sup>133</sup>, had to-day refunded it.<sup>134</sup>

SIR A. MACNAB thought the hon. gentleman must be mistaken, as<sup>135</sup> Mr. Wallace the gentleman referred to by the hon. member was in Buffalo, and consequently it was out of his power to refund the money so quickly.<sup>136</sup> The money had been received by, and was in the hands of, an hon. member of the House.<sup>137</sup>

MR. CAUCHON said that the hon. member from Gaspé was not right in saying that the money had been returned by Mr. Wallis himself, but that it had been by the Agent of the Company. He hoped that others would follow that good example.<sup>138</sup>

MR. CHRISTIE had seen his name on the list and did not know that it had not been returned by the gentleman himself. He thought it was highly irregular for hon. members to act as agents of witnesses, and receive money for

them.<sup>139</sup>

DR. BOUTHILLIER said that it might interfere with the business of Committees, and suggested that it would be better to let it be under the control of the Committee on contingencies.<sup>140</sup>

MR. CHRISTIE concurred and agreed to leave his motion as a notice for tomorrow.<sup>141</sup>



FOOTNOTES: 27 MARCH 1849.

1. The debate on this matter was reported by: MONTREAL GAZETTE, 28 March 1849; PILOT, 30 March 1849; and PILOT, 28 March 1849, MORNING CHRONICLE, 2 April 1849, BRITISH COLONIST, 6 April 1849, GLOBE, 7 April 1849, and PROVINCIALIST, 9 April 1849, in identical accounts, except that BRITISH COLONIST and PROVINCIALIST omitted one speech. LA MINERVE, 29 March 1849, noted the debate.
2. PILOT, 28 March 1849.
3. MONTREAL GAZETTE, 28 March 1849.
4. PILOT, 28 March 1849.
5. IBID.
6. IBID.
7. IBID.
8. MONTREAL GAZETTE, 28 March 1849.
9. PILOT, 28 March 1849.
10. MONTREAL GAZETTE, 28 March 1849.
11. PILOT, 28 March 1849.
12. IBID.
13. MONTREAL GAZETTE, 28 March 1849.
14. PILOT, 28 March 1849.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. The debate on this matter was reported by: PILOT, 30 March 1849; MONTREAL GAZETTE, 28 March 1849, HAMILTON SPECTATOR, 4 April 1849, and BRITISH COLONIST, 6 April 1849, in identical accounts; and PILOT, 28 March 1849, BATHURST COURIER, 6 April 1849, GLOBE, 7 April 1849, and PROVINCIALIST, 9 April 1849, in identical accounts, except that PROVINCIALIST omitted and abbreviated a number of speeches. LA MINERVE, 29 March 1849, noted the debate.
21. PILOT, 28 March 1849.
22. MONTREAL GAZETTE, 28 March 1849.
23. PILOT, 28 March 1849.
24. MONTREAL GAZETTE, 28 March 1849.
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30. MONTREAL GAZETTE, 28 March 1849.
31. PILOT, 28 March 1849.
32. IBID.
33. MONTREAL GAZETTE, 28 March 1849.
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51. IBID.
52. MONTREAL GAZETTE, 28 March 1849.
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54. MONTREAL GAZETTE, 28 March 1849.
55. IBID.
56. PILOT, 28 March 1849.
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91. MONTREAL GAZETTE, 28 March 1849.

92. PILOT, 28 March 1849.
93. IBID.
94. MONTREAL GAZETTE, 28 March 1849.
95. PILOT, 28 March 1849.
96. IBID.
97. MONTREAL GAZETTE, 28 March 1849.
98. PILOT, 28 March 1849.
99. MONTREAL GAZETTE, 28 March 1849.
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107. MONTREAL GAZETTE, 28 March 1849.
108. PILOT, 28 March 1849.
109. MONTREAL GAZETTE, 28 March 1849.
110. IBID.
111. IBID.
112. PILOT, 28 March 1849.
113. MONTREAL GAZETTE, 28 March 1849.
114. This matter was reported by: PILOT, 28 March 1849, BRITISH WHIG, 29 March 1849, MORNING CHRONICLE, 30 March 1849, BRITISH COLONIST, 30 March 1849, GLOBE, 31 March 1849, HAMILTON SPECTATOR, 31 March 1849, ST. CATHARINES JOURNAL, 5 April 1849, PRINCE EDWARD GAZETTE, 6 April 1849, and GLOBE, 7 April 1849, in identical accounts.
115. PILOT, 28 March 1849.
116. IBID.
117. This matter was reported by: PILOT, 28 March 1849, BRITISH WHIG, 29 March 1849, MORNING CHRONICLE, 30 March 1849, BRITISH COLONIST, 30 March 1849, GLOBE, 31 March 1849, HAMILTON SPECTATOR, 31 March 1849, ST. CATHARINES JOURNAL, 5 April 1849, PRINCE EDWARD GAZETTE, 6 April 1849, and GLOBE, 7 April 1849, in identical accounts.
118. PILOT, 28 March 1849.
119. IBID.
120. This matter was reported by: PILOT, 28 March 1849, BRITISH WHIG, 29 March 1849, MORNING CHRONICLE, 30 March 1849, BRITISH COLONIST, 30 March 1849, GLOBE, 31 March 1849, HAMILTON SPECTATOR, 31 March 1849, ST. CATHARINES JOURNAL, 5 April 1849, PRINCE EDWARD GAZETTE, 6 April 1849, and GLOBE, 7 April 1849, in identical accounts.
121. PILOT, 28 March 1849.
122. IBID.
123. This matter was reported by: MONTREAL GAZETTE, 28 March 1849; and PILOT, 28 March 1849.
124. PILOT, 28 March 1849.
125. IBID.
126. This matter was reported by: MONTREAL GAZETTE, 28 March 1849; and PILOT, 28 March 1849, and GLOBE, 7 April 1849, in identical accounts.
127. MONTREAL GAZETTE, 28 March 1849.
128. PILOT, 28 March 1849.
129. MONTREAL GAZETTE, 28 March 1849.



130. PILOT, 28 March 1849.
131. MONTREAL GAZETTE, 28 March 1849.
132. PILOT, 28 March 1849.
133. MONTREAL GAZETTE, 28 March 1849.
134. PILOT, 28 March 1849.
135. MONTREAL GAZETTE, 28 March 1849.
136. PILOT, 28 March 1849.
137. MONTREAL GAZETTE, 28 March 1849.
138. IBID.
139. IBID.
140. IBID.
141. IBID.

WEDNESDAY, 28 MARCH 1849.

(185)

Witnesses.

THE Clerk laid upon the Table, pursuant to an Order of the 26th instant, the following Return, viz:--((see following page))

(186)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Fergusson,--The Petition of James Walker and others, of the Township of Nichol.

By the Honorable Mr. Viger,--The Petition of L. Bourassa and others, of St. Martin, Isle Jésus.

By Sir Allan N. MacNab,--The Petition of the City Council of the City of Hamilton.

By Mr. Cauchon,--The Petition of D. M'Millan and others, on behalf of a meeting of the Freeholders of the County of Vaudreuil.

Petition read.

Ordered, That the Petition of D. M'Millan and others, on behalf of a meeting of the Freeholders of the County of Vaudreuil, be now read; and the Rules of this House be suspended as regards the same.

And the said Petition was read; praying that the Montreal and Lachine Railroad Company be not allowed to extend their Railroad otherwise than by the route laid down in the Act for the construction of a Railroad from Montreal to Kingston,--that the Lake St. Louis and Province Line Railroad along the south bank of the St. Lawrence to the Province Line at St. Regis,--and that a Survey be made at the expense of the Province, of the Lines for which Charters have been granted for the construction of Railroads from Montreal to the western limits of the Province.

Public Debt,  
&c., Bill.

An engrossed Bill for the better management of the Public Debt, Accounts, Revenue, and Property, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

COL. GUGY<sup>1</sup> moved, that the Bill to secure the titles to Real Estate of certain persons naturalised in Lower Canada, under the 1 Will. IV, chap. 53, be read a third time.<sup>2</sup>

MR. CARTIER opposed the Bill. No person could consider his rights to be safe if a solemn judgment of the Courts of Law could be set aside by that House. The Bill would have the effect, under the pretext of rendering justice in this individual case, of committing a most grievous iniquity, and establish a very bad precedent. The decision of the Supreme Court in the United States, a country where every thing, even the Constitution, was changed, was the only thing which could not be set aside or changed. He (Mr. C.) then went into a detail of the facts of the case of Mr. Donegani, for whose benefit the Bill was introduced, to show that grievous injustice would be committed in passing the Bill, and concluded by expressing his hope

(185)

LIST of Persons who have been paid, in the course of the present Session, for their attendance before the Committees of this House, as Witnesses, or for examination with respect to matters before it; the amount or amounts paid to each, the dates of payment, and by whose order the several payments have been so made.

Date of Payment.	Persons Paid.	Amount Paid.			Total Amount Paid.			Matters Referred.	Authority for Payment.
		£	s.	d.	£	s.	d.		
1849.									
Feb. 13	A. Dorval	9	0	0				Petition of C. Cazeau and others, Inspection of Timber.	Mr. Laurin, Chairman.
do 14	J. Sharples	9	5	0					
do 17	C. Cazeau	9	5	0					
					27	10	0		
do 19	J. Sharples	3	0	0				Timber Trade.	Mr. Scott, Bytown, Chairman.
do 23	D.D. Young	1	0	0					
do 24	J. Waddel	2	2	6					
March 1	L.G. Bigelow	6	0	0					
do 3	R. Conroy	7	0	0					
do do	R. Russell	7	10	0					
do do	J. Aumond	7	0	0					
do do	J. Wadsworth	8	10	0					
do do	A.P. L'Espérance	8	10	0					
do 5	T. M'Goey	7	15	0					
do do	W. Stubbs	10	15	0					
do do	P. Ayles	10	15	0					
do do	J. Porter	7	9	0					
do 7	H.J. Freel	5	0	0					
do do	Wm. Harris	7	10	0					
do 17	A.J. Russell	11	6	3					
do 19	J.G. Irvine	12	10	0					
					123	12	9		
Feb. 21	J.B. Frechette	10	10	0				Petition of T.C. Lee and others, (on Repeal of Seamen's Act.)	Mr. Méthot, Chairman.
do 22	E. Glackmeyer	11	5	0					
do 24	D. Maguire	7	10	0					



		£	s.	d.	£	s.	d.		
do	J. Maguire	11	0	0					
do	W.K. M'Cond	14	15	0					
do	D. Ross	10	0	0					
March	P. Doucet	9	10	0					
do	H. LeMesurier	9	10	0	34	0	0		Mr. Egan, Chairman.
Feb.	J. Monferand	2	0	0					Petition of J. Aumond et al., (on damage to Lumber Trade.)
do	A. Cooke	4	0	0	6	0	0		
do	J.C. Belleau	11	10	0	11	10	0		Hon. Mr. Laternière, Chairman.
do	F. Desamier	5	10	0					Petition of G.B. De Bou- cherville, (Self-Motive Machine.)
do	J. Desamier	4	12	6	10	2	6		Hon. Mr. Laternière, Chairman.
do	M. Borne	1	10	0	1	10	0		Mr. Christie, Chairman.
	Carried over (186)	.	.	.	£264	5	3		
1849.	Brought over	£	s.	d.	£	s.	d.		
March	J.J. Gilkison	22	17	6	264	5	3		Sir A.N. MacNab, Chairman.
do	J.D. Armstrong	2	15	0					Railroads and Telegraphs.
do	A. LeMoine	4	0	0	22	17	6		Hon. Mr. Laternière, Chairman.
do	L. Legendre	10	5	0	6	15	0		Provincial School of Navigation.
do	T. Bouthillier (Expenses)	6	15	0	10	5	0		Petition of L. Legendre et al., (Legacy for Schools.)
do	L.K. Blanchard	2	12	6					Mr. Chauveau, Chairman.
									Mr. Bouthillier, Chairman.

do	do	L.V. Sicotte	£	s.	d.	£	s.	d.	
			2	1	3				
do	13	F. Gourdeau	11	10	0	11	8	9	Navigation of St. Lawrence below Quebec.
do	15	H. LeMesurier	6	10	0				
						18	0	0	
do	19	J.M. Ferres	0	10	0				Petition of J. Clarke et al., (Montreal Turnpike Roads.)
do	20	L.M. Seers	1	5	0				
do	do	T.E. Globensky	1	5	0				
do	do	W. LeClair	1	5	0				
						4	5	0	
do	21	P. Sherman	2	0	0				Roads and Bridges.
do	do	P.U. Archambault	2	0	0				do
do	do	P.R. Fauteux	1	10	0				do
						5	10	0	
		Total amount paid . . .				£343	6	6	

Mr. Blake,  
Chairman.Hon. Mr. Papineau,  
Chairman.Mr. Fortier,  
Chairman.Thos. Vaux,

Accountant.

Legislative Assembly, 27th March, 1849.

W.B. Lindsay,

Clerk Assembly.

that the Bill would be rejected by the House.<sup>3</sup>

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Bill to secure  
Real Estate  
Titles to cer-  
tain persons.

An engrossed Bill to secure Titles to Real Estate to certain persons naturalized under the Statute of Lower Canada, 1 Will. 4, c.53, was read the third time.

Mr. Gugy moved, seconded by Mr. Boulton, of Toronto, and the Question being put, That the Bill do pass, and the Title be, "An Act to secure Titles to Real Estate to certain persons naturalized under the Statute of Lower Canada first William the Fourth, chapter fifty-three;"

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Bell, Boulton of TORONTO, Ameron of KENT, Cauchon, Cayley, Chabot, Crysler, Davignon, Flint, Gugy, Hall, Hincks, Holmes, John, Laterrière, Laurin, Macdonald of GLENGARRY, Sir Allan N. MacNab, M'Connell, M'Farland, Price, Seymour, Smith of WENTWORTH, Stevenson, Thompson, Watts, and Wetenhall.--(29.)

NAYS.

Messieurs Beaubien, Boulton of NORFOLK, Bouthillier, Burritt, Cartier, Chauveau, Fergusson, Fortier, Fournier, Fourquin, Guillet, Lemieux, Lyon, Méthot, Monjeais, Papineau, Polette, Sauvageau, Sherwood of TORONTO, Smith of DURHAM, Taché, and Viger.--(22.)

So it was resolved in the Affirmative.

Ordered, That Mr. Gugy do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Isaac Read and others, of Upper Canada; praying that the Bill to incorporate the Members of the Medical Profession in Upper Canada may not pass.

Of Peter Winter, of the District of Gaspé, Barrister and Advocate, on behalf of J.T. Coffin, Esquire, of the Isle of Wight, Captain in the Royal Navy, and Proprietor of the Magdalen Islands; praying that no measure be adopted which would affect Mr. Coffin's rights as proprietor, until he or his Agent be called upon to defend his right of possession.

Of Peter Winter, of Percé, County of Gaspé, Advocate; praying remunera-

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tion for his services as Clerk of the Municipal Council of the District of Gaspé.

Of Thomas Lloyd, of the City of Quebec, Esquire, one of the Councillors of the said City; praying the Legislature to withhold the Cul-de-Sac from the Trinity House at Quebec, and that it may be vested in the Corporation of the said City.

Of P.M. Bardy, Esquire, and others, of the City of Quebec; praying for certain amendments to the Bill to amend the Ordinances incorporating the said City.

Of John Turner, Chief Engineer, and others, Officers and Members of the



Brantford Fire Company Number One, and of Francis Monette and others, Officers and Members of Fire Companies, of St. John's, Canada East; praying that the provisions of the Act 4 and 5 Vic. c.43, may be so extended as to exempt Firemen having served for seven consecutive years, from serving as jurymen, constables, or militiamen.

Of John William and others, of the Township of East Flamborough, District of Gore; praying that no alteration be made in the limits of the said District.

Of George Keefer, Chairman, and A.K. Boomer, Secretary, on behalf of the Inhabitants of the District of Niagara in public meeting assembled; praying that the proposed measure of indemnification for Rebellion Losses in Lower Canada be not passed.

Of Miville de Chêne and others, of that part of the County of Dorchester formerly the County of Dorchester; praying for the abolition of Commissioners' Courts, and the re-establishment of District or Division Courts.

Of William Charles Gwynne, Esquire, and others, of the City of Toronto; praying that the Bill to amend the Act incorporating the Toronto and Lake Huron Railroad Company may not pass.

Of Samuel Heath and others, of Chinguacousey and vicinity; praying that the constitution and management of the University of King's College may be placed upon a more enlarged and liberal basis.

Of the Commercial Bank of the Midland District; praying extension of time for the payment of the increase to their Capital Stock, and for a certain alteration in their Title.

Of John Bonham and others, of the south half of the Township of Dumfries; praying that no division may be made of the said Township.

Of Silas E. Austin and others, members of the Order of Rechabites; praying for an Act of Incorporation.

Of S.A. Huntingdon and others; of Edward Ferrall, and others; and of Thomas O'Neil and others, of the sixth division of the District of Bathurst; praying that the Division Court Law be altered so as to allow three Courts to be held annually in the said Division, instead of six as at present.

Of J. Lesslie and others, of the City of Toronto; praying that an enquiry be instituted into the management of the Temporary Lunatic Asylum at Toronto.

Of George Hamilton Park, Esquire, late Medical Superintendent of the Temporary Lunatic Asylum; representing certain defects and grievances in the government of the said Asylum; setting forth his unjust removal from the said situation,--and praying an investigation and relief in the premises.

Of the Algonquin Indians of the Gatineau; praying for a grant of Land on the River du Désert, for purposes of Agriculture.

Of James Inglis and others, members and adherents of the Baptist Churches in Canada West; praying that the endowment of the University of King's College may be preserved undivided, and that the said University may be conducted upon non-sectarian principles.

Petition of D. M'Millan and others;

Ordered, That the Petition of D. M'Millan and others, on behalf of a meeting of the Freeholders of the County of Vaudreuil, and the Petition of the Honorable R.U. Harwood and others, be referred to the Standing Committee on Railroad and Telegraph Line Bills.

Of P.M. Bardy

Ordered, That the Petition of P.M. Bardy, Esquire, and

and others;

Of W.K.  
M'Cord and  
others;

to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

Of Mrs. S.B.  
Rousseau and  
others, re-  
ferred.

Resolved, That the Petition of Mrs. Sophie B. Rousseau and others, of the Parish of St. Pierre and St. Paul, County of Saguenay, be referred to a Select Committee composed of the Honorable Mr. Laterrière, Mr. Chabot, Mr. Laurin, Mr. Lemieux, and Mr.

Cartier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Weights and  
Measures Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the several Laws therein mentioned relative to the appointment and duties of Inspectors of Weights and Measures in Upper Canada," without any Amendment: And also,

Canada Life  
Assurance  
Company Bill.

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Canada Life Assurance Company," with an Amendment; to which they desire the concurrence of this House.

And then he withdrew.

Report on  
Religious,  
Educational,  
or Charitable  
Institutions.

Mr. Christie, from the Select Committee appointed to enquire and report what Acts, since the Union of the late Provinces of Upper and Lower Canada, have been passed by the Parliament of this Province incorporating Religious, Educational, or Charitable Institutions therein; their several and respective titles,

styles, or denominations; the annual amount as Income or Revenue from real property which by their respective Acts of Incorporation they are authorized to acquire and hold; the collective or total annual amount thereof; and also, whether any and which of the Religious, Educational, or Charitable Institutions existing in Lower Canada previous to the Union, have since that period been authorized by Act of Parliament to increase their respective Income or Revenue in Mortmain, and by what amount, presented to the House the Report of the said Committee; which was read.

Appendix  
(Y.Y.Y.)

For the said Report, see Appendix (Y.Y.Y.)

Ordered, That the said Report be printed for the use of the Members of this House.<sup>4</sup>

MR. CHRISTIE ... paid a high compliment to Mr. Lindsay, the assistant law clerk, for the manner in which he had prepared the accompanying tabular statement.<sup>5</sup> By the Report it appeared that those bodies were authorized to hold property to the annual value of £48,000, and that there were Bills before the House for incorporating certain other Charitable and Religious

Societies, which asked to be allowed to hold property to the annual value of £40,000.<sup>6</sup>

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Report on  
Intemperance.

perance, presented to the House the Report of the said Committee; which was read.

Appendix  
(Z.Z.Z.)

For the said Report, see Appendix (Z.Z.Z.)

Ordered, That the said Report be printed for the use of the Members of this House.

Montreal In-  
stitut Cana-  
dien Bill.

Mr. Davignon reported from the Select Committee on the Bill to incorporate L'Institut Canadien de Montréal, That the Committee had gone through the Bill, and made amendments thereunto.

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Ordered, That the Bill and Report be committed to a Committee of the whole House, for to-morrow.

Report on  
Canada  
Gazette.

Committee; which was read.

Appendix  
(A.A.A.A.)

For the said Report, see Appendix (A.A.A.A.)

Ordered, That the said Report be printed for the use of the Members of this House.

Twentieth  
Report of  
Committee  
on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Twentieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Charles Robertson and others, and of T.H. Ketchum and others, and they are not of such a nature as to require notice under the 66th Rule.

Masters and  
Servants  
(L.C.) Bill.

Mr. Watts, from the Select Committee appointed to take into consideration the expediency of amending the Act of Lower Canada relating to Masters and Servants in the country parts, with power to report by Bill or otherwise, presented to the House, a Bill to amend the Act relating to Masters and Servants in the country parts of Lower Canada, which was received and read for the first time; and ordered to be read a second time, on Monday next.

Canada Life  
Assurance  
Company Bill.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Canada Life Assurance Company," be now taken into consideration.

The House proceeded accordingly to take the said Amendment into consid-



eration; and the same was read, as followeth:--

In the Preamble, line 34. After "Company" insert "And whereas the sum of two pounds on each share of the Capital Stock of the said Association has been paid up by the said Stockholders."

The said Amendment, being read a second time, was agreed to.

Ordered, That Sir Allan N. MacNab do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

Leave of absence.

Ordered, That Mr. Smith, of Frontenac, have leave to absent himself from this House, for four weeks, on urgent and pressing business.

Lachine Railroad Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act further to amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 2, line 48. After "and" insert "that the calls in arrear have been made as aforesaid, and that he."

Press 3, line 1. Leave out from "and" to "thereof" both inclusive.

Press 3, line 30. After "exceeding" insert "in the whole at any one time."

Press 4, line 1. Leave out from "without" to "necessary" in line 2, both inclusive, and insert "on proof of the execution thereof by the oath of one witness, which oath any such Registrar, or his deputy, is hereby authorized to administer; and if at any time after the registration of any such Debenture as aforesaid, the same shall be brought to such Register, or his deputy, with the word "cancelled," and the signature of the President or other duly authorized Director of the said Company written across the face thereof, the said Registrar, or his deputy, shall make an entry in the margin of the Register against the registry of such Debenture, to the effect that such Debenture has been cancelled, adding the date of such entry, and shall thereupon file such Debenture to remain of record in the said Registry Office in the same manner as Certificates of discharge."

Press 4, line 18. Leave out from "same" to "provided" in line 27.

Press 4, line 40. After "notwithstanding" insert "Provided always, that it shall not be lawful for the said Company to issue any Debenture payable to bearer, under this Act, for a less sum than one hundred pounds."

Press 4, line 42. After "majority" insert "consisting of not less than two-thirds."

Press 6, line 35. After "money" insert "nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by indorsement in full."

Press 7, line 27. After "Lachine," insert "but the said Company shall at each and every other place where the said Railroad shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such a height as to leave sixteen feet from the highway to the lower edge of the sign-board and having the words "Railway Crossing" and "Traverse de Chemin à Rails" painted on each side thereof, in letters not less than six

inches in length; and for each and every neglect to comply with this requirement, the said Company shall incur a penalty of five pounds currency."

Press 7, line 44. After "Directors" insert "Clauses (A.) and (B.)"

Clause (A.) "And be it enacted, that the forty-seventh section of the Act herein first cited, and the twelfth section of the Act herein cited amending the said Act be, and the same are hereby repealed, and that the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company if necessary, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces, or Militia, and all Artillery, Ammunition, Provisions, or other Stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's service, on their said Railroad, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or person administering the Government shall in Council make: Provided, that any further enactments which the Legislature of this Province may hereafter seem it expedient to make, with regard to the carriage of the said Mail, or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by the said Acts or either of them, or by this Act, or intended so to be."

Clause (B.) "And be it enacted, that for and notwithstanding anything in the said Acts or either of them, no By-law, Rule, or Order, which may be made by the said Company after the passing of this Act, shall have any force or effect until the same shall have been sanctioned and confirmed by the

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Governor of this Province, under his hand and seal at arms, and shall thereafter have been published in the Canada Gazette."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Holmes do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of Mr. Jobin, seconded by Mr. Mongenais,

L. Comte's Relief Bill. Ordered, That the Bill to enable Louis Comte to recover a certain amount due to him by the Parish of St. Edouard, in the District of Montreal, as reported by the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

On motion of Mr. Holmes, seconded by Mr. DeWitt,

Petition of J. O.A. Turgeon and others. Ordered, That the Report of the Select Committee to which was referred the Petition of J.O. Alfred Turgeon, Esquire, and others, the Mayor and Councillors of the County of Terrebonne, and other references, be committed to a Committee of the whole House, for Monday next.

On motion of Mr. Dumas, seconded by Mr. Cartier,

Soeurs Hospi-  
talières (Mon-  
tréal) Bill.

Ordered, That the Bill to authorize the Religious Community of the "Soeurs Hospitalières de St. Joseph de l'Hôtel Dieu de Montréal" to acquire and hold real and personal property to a certain amount over and above that now held by them, as well for themselves as for the Poor of the Hôtel Dieu on whose behalf they administer certain property, and for other purposes therein mentioned, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for to-morrow.

Public Lands  
Management  
Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to amend an Act therein mentioned, and to make other provisions for the management and disposal of Public Lands, and to limit the period for making free grants.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

New Counties  
and Townships  
(U.C.) Erec-  
tion Bill.

The Honorable Mr. Cameron, of Kent, moved, seconded by the Honorable Mr. Price, and the Question being put, That leave be given to bring in a Bill to provide for the Erection of certain New Counties and Townships in Upper Canada, and for certain purposes relative to such New Counties;<sup>7</sup>

MR. WETENHALL opposed the motion. He thought such a measure should be left with the members from the Districts it was intended to interfere with. The member for Kent had no interest in the Gore District, and he (Mr. W.) thought that he might have consulted the members for that District before introducing the measure. Petitions had been presented in favor of the measure, but there were also many Petitions against it. He put it to the members of the House whether they would like to see a member from a distant part of the country introduce a measure to divide their Districts or Counties. He considered the introduction of the measure unfair, and he felt it his duty to vote against it. His Constituents were unanimously against the division of the Gore District.<sup>8</sup>

MR. INSP. GEN. HINCKS believed that the majority of the people were against the measure, and he, therefore, intended to oppose the Bill.<sup>9</sup>

MR. NOTMAN said, that although he did not represent any part of the Gore District, yet he felt much interested in it, having lived there for a long period. He would oppose the measure, unless there was an opportunity given to the people to express their views as to the division.<sup>10</sup>

MR. H. SHERWOOD (Toronto) wished to ascertain from the Government, if the Government were disposed to allow private members to introduce measures to create new Districts? He thought that measures of such importance, measures which created great expense to the country, should not be introduced without the consent of the Government.<sup>11</sup>

MR. ASST. COM. P.W. CAMERON said the Government had consented to the introduction of the Bill.<sup>12</sup>



MR. H. SHERWOOD now knew that the Government had given their consent to the measure. He thought that all measures which involved any expenditure of the public monyes (sic) should not only be consented to by the Government, but should be Government measures.<sup>13</sup>

MR. PRES. EX. COUN. MERRITT would like to know how the measure would cause a single farthing of expenditure.<sup>14</sup>

MR. H. SHERWOOD.--For the administration of justice.<sup>15</sup>

MR. AT. GEN. BALDWIN did not think that the Government had anything to do with such a measure; it was a measure, the merits of which should be decided by the House. The Government had no opinion to give upon the matter at present, and he was not prepared to say whether he would support the measure or not.<sup>16</sup>

MR. W. BOULTON (Toronto) said, that the Bill introduced in 1844 for the division of the District of Huron was withdrawn because the Government thought that such a measure should proceed from the Government.<sup>17</sup>

MR. H. SHERWOOD said, that he had been told that the Ministers gave themselves no trouble about the division of the Districts; that they had no opinion to give on the measure before them, and that they left it to the House to do as it thought proper. He (Mr. S.) thought it was the duty of the Government to inform themselves of the propriety of the proposed divisions, and to carry them out if they conceived that the country required it.<sup>18</sup>

MR. CAYLEY had no other interest in the measure than to promote the interests of the people of his county; all he asked for in reference to the measure was time to hear from the people of the County of Huron. If that was granted he would not oppose the introduction of the measure.<sup>19</sup>

MR. FERGUSSON would support the introduction of the Bill, although he might not vote for it when it came up for a second reading. He thought that it should be shown to the House that there were some great public inconveniences felt from the present division before they passed the Bill.<sup>20</sup>

MR. H. BOULTON (Norfolk) could not think of supporting the Bill, until he had learned that the people of the Districts were in favor of it.<sup>21</sup>

SIR A. MACNAB thought it was rather an extraordinary proceeding that the Government should express itself in the measure in which it had done about a measure which involved an expenditure of the public money. It was a measure which he (Sir A.) considered required the consent of the Ministry, and he thought that under the Union Act such a measure could not be passed without the recommendation of the Governor; and besides this, when he asked the Ministry yesterday whether it was their intention to introduce a measure to divide the Gore District, the head of the Administration rose and said, that they did not. Yet a moment after a member of the Administration rose and gave notice of his intention to introduce a Bill for that purpose, and a few moments ago the same member rose and said, that he had the consent of the Administration to introduce the Bill, and what did the Attorney General West say, that the Government never heard anything about it. He (Sir A.) thought this was a very extraordinary proceeding. There were four members representing the District of Gore in that House, and not one of them would take upon himself the responsibility of introducing such a measure, because they knew

the people of the District were generally against it. The idea of dividing the District had been talked about for ten years, and he had never heard of any part of the District which wanted it but the people of the Town of Brantford, who had probably convinced the member for Kent to introduce the measure. He trusted the members of the House would not approve the measure; he knew that none of them would like to see a member from another part of the country bring forward a measure to alter the boundaries of any of their Counties or Districts, and he thought they should, therefore, vote against the Bill.<sup>22</sup>

((There was)) some further discussion.<sup>23</sup>

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*the House divided:--And it was resolved in the Affirmative.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the ninth day of April next.*

Prescott  
Election.

*Mr. Morrison moved, seconded by Mr. Beaubien, and the Question being put, That the Select Committee to which was referred the Petition of William K. M'Kenzie, of L'Orignal, in the County of Prescott, complaining of the undue Election and Return of Thomas Hall Johnson, Esquire, to represent the County of Prescott in this present Parliament, have leave to examine the Honorable James H. Price, Commissioner of Crown Lands, and the Honorable Richard Alexander Tucker, Provincial Registrar, respecting the issuing or non-issuing at the time of the last General Election for the said County, of certain Patents for Lots in the Township of Plantagenet, upon which votes were given for the said Thomas Hall Johnson at the said last General Election; and that the Petitioner do forthwith deliver to the sitting Member, a List of such persons as have so voted at the said Election, with their residences, and the several lots or parcels or parts of lots on which they so voted; and that the Petitioner have leave to add the names of such persons to his former List of objected voters, and the names of the Honorable James H. Price and the Honorable Richard Alexander Tucker to his former List of exchanged witnesses.<sup>24</sup>*

*Some conversation arose. The question discussed was, whether additional witnesses could be brought forward after the Commission was opened.<sup>25</sup>*

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*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Beaubien, Macdonald of GLENGARRY, and Morrison.--(3.)*

NAYS.

*Messieurs Badgley, Attorney General Baldwin, Bell, Solicitor General Bike, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Cayley, Chabot, Chauveau, Christie, Crysler, Davignon, DeWitt, Dickson, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hinks, Holmes, Jobin, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Farland, Merritt, Meyers, Nelson, Notman, Papineau, Price, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of WENTWORTH, Taché, Thompson, Viger,*

and Wilson--(53.)

*So it passed in the Negative.*

Interpretation  
of Terms Bill.

*An engrossed Bill from the Legislative Council, intituled, "An Act for putting a Legislative Interpretation upon certain Terms used in Acts of Parliament, and for rendering it unnecessary to repeat certain provisions and expressions therein, and for ascertaining the date and commencement thereof, and for other purposes," was, according to Order, read the third time.*

*Resolved, That the Bill do pass.*

*Ordered, That the Honorable Mr. Attorney General Baldwin do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.*

Customs Management Act.

*Mr. Beaubien, from the Committee of the whole House to consider the propriety of continuing and amending the Act for the management of the Customs, reported a Resolution; which was read, as followeth:--*

*Resolved, That it is expedient to continue and make permanent the Act 8 Vic. c.24, for the management of the Customs, and to amend the said Act by authorizing the Governor in Council to fix the Salaries of the Collectors at the Ports of Quebec and Montreal, at a rate not exceeding Seven hundred and fifty pounds currency.*

*The said Resolution, being read a second time, was agreed to.*

Customs Management Bill.

*Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to amend, and to render permanent as amended, the Act for the management of the*

*Customs.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.*

Assessment  
(U.C.) Bill.

*The Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns, and Cities in Upper Canada, being read;<sup>26</sup>*

MR. INSP. GEN. HINCKS desired to draw the attention of the House to<sup>27</sup> this subject<sup>28</sup>. It had been before the country for a great number of years since he had had a seat in Parliament<sup>29</sup> and ... was admitted to be of the last importance.<sup>30</sup> When he last had a seat in the Council, he had brought a Bill forward not materially different from the present one, which had been read a second time, and which had not been advanced further, from a change of the Administration. Another measure, not much different, had been brought by<sup>31</sup> Mr. Draper ... in a bill to remedy the evils complained of<sup>32</sup> and might not have been passed, because they were too weak to do it<sup>33</sup>, that was referred to a select committee and there lost.<sup>34</sup> The question was one which it was desirable to dispose of. He had heard no objections made to the question of taxing real property; it was desirable that it should be assessed according to its value.<sup>35</sup> He might mention that<sup>36</sup> Lower Canada had Municipal Institutions, and taxed property according to its value.<sup>37</sup> Not as in Upper



Canada where lands were assessed, if cultivated, at 20s., and if uncultivated, at 4s., though the lands thus assessed were sometimes worth £100 or £150 per acre.<sup>38</sup> In Upper Canada the present system was vicious. He had ((also)) known land not worth 20s. an acre taxed at 50s.<sup>39</sup> Again, it was desirable to have a uniform system of assessment throughout, not as in Canada at present, where every municipality had a separate mode of assessment, according to its act of incorporation.<sup>40</sup> It was uniform in the States. The feature of the present Bill, which he had heard the greatest objections against, was the provision to tax personal property. A great deal of misrepresentation had gone abroad regarding it. It had been called inquisitorial in character,<sup>41</sup> prying into persons private affairs<sup>42</sup> and compared with the Income Tax in England<sup>43</sup>. But now, first he would ask whether the House would adopt the principle of assessing the land only? If not, would it, as proposed in Mr. Draper's bill, tax only those articles used by farmers; as horses, cattle, carriages, &c.? Now, he was prepared to show that no person could, from the working of his system of assessment, know anything of any man's affairs. No one ever went to an assessment roll in the United States<sup>44</sup> where a similar Bill is in force<sup>45</sup> to know what a man's affairs were. He would illustrate this:--a person living in Hamilton might own real estate all over the Province. He might own £30,000 in this way, and yet by the assessment roll of Hamilton not appear to be worth a farthing. He might hold stocks in joint stock Companies, assessed at their head offices. Though he had all the property he might deduct from this every debt he owed, and a person, holding all this, might declare that he had no personal property to tax at all in Hamilton. His lands might be in one place, his bank stock in another; he might have nothing to tax in Hamilton.<sup>46</sup> He (Mr. H.) had taken the trouble to enquire of persons in different parts of the States<sup>47</sup>, at New York, Boston and Oswego, and had heard no one object to the working of this law<sup>48</sup> and that it was not of an inquisitorial character. Mr. Justice Sullivan thought it would have the character of being inquisitorial, and he (Mr. H.) had persuaded him to go over with him to Oswego; they there took a great deal of trouble in examining, and found that it worked well. He wanted to establish that it was not inquisitorial, and no man of prudence, where a similar Bill was in force, ever thought of looking at the Assessment Roll with that view.<sup>49</sup> They saw the books of a large and well known house--Croker & Co. we understood--who were hardly assessed at all for personal property, though they were men in most respectable circumstances. With regard to the items of assessment for Schools and the Lunatic Asylum, it was clear that owners of personal property were as much interested, and ought to pay as much as landed proprietors. He believed hon. members would find, if they threw out this bill, that they would not be thanked by their constituents. The bill had been compared to the English act, and it had been said that assessors might, under it, go into houses, and examine the most minute articles. That was a great mistake, and he had the English income act in his hand, from which he would show what powers the tax gatherers had there. (Here the hon. member read several passages from the English act, to show the powers possessed by the Income Tax Commissioners in England.) It was this--the tax there was an income tax, not like this, a property tax. Persons who had no property there had to pay. Suppose a man there possessed of nothing, made three or four hundred a year by his profession and hard labour; that man would be charged as much as if he possessed £10,000 in the stocks. That was the ground of complaint there, and it did not exist in the

present bill.<sup>50</sup> His own opinion was, that there was a strong feeling in the country in favor of the principles of the Bill. He knew it was particularly the case with regard to his own part of the country.<sup>51</sup> Throughout the agricultural population they were almost unanimously for the bill, and<sup>52</sup> he would warn those professional gentlemen who represented agricultural interests, that the agricultural community of Upper Canada will not stand to be exclusively taxed.<sup>53</sup> If the clause for assessing personal property were struck out, it would create the greatest dissatisfaction among the farmers. The Government had brought it in the shape they thought it ought to pass; that was to put a tax on every man's property, real and personal.<sup>54</sup> Hon. gentlemen could not say that this was a new and untried experiment.<sup>55</sup> It was not a new principle, but had worked well in the United States; and he mentioned this, because Mr. Gibbon Wakefield, in 1843--at that time one of the strongest supporters of gentlemen opposite--had industriously asserted that the ministry desired to carry this measure and the University Bill by Lower Canada votes. The bill, however, in 1843, was carried by a majority of Upper Canada votes, and he believed this Bill would also be so carried; but he knew there would be opposition from gentlemen belonging to his own party, and if the general feeling among them was against the personal property clause, the ministry would abandon it; but on the heads of those gentlemen be the responsibility of the abandonment.<sup>56</sup> He believed that it would not be so perfect if so altered, and they would have petitions from Upper Canada, desiring them to amend it. He concluded by moving the second reading of the Bill.<sup>57</sup>

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*The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Price, and the Question being put, That the Bill be now read a second time;*

MR. H. BOULTON (Norfolk) quite agreed with the hon. member who brought in the bill, that a great change was desirable and necessary in the assessment law. It was very necessary with regard to real property, because every body knew, that in this country land was valued arbitrarily, without any kind of reference to its actual value, and that great injustice was done to the whole population of Upper Canada. But to that portion of the measure which related to the assessment of personal property, he was as much opposed now as he was in 1843, when a similar measure was proposed by his hon. friend from Oxford. Since then, he had given a great deal of consideration to the subject, and heard the opinions of many persons and his objection to the measure remained unchanged. He (Mr. B.) represented a rural constituency, and he knew that this was not a popular bill in any county in the part of Upper Canada from which he came. He thought the bill was founded on a false principle, that it was the most arbitrary measure that could possibly have been continued. He did not think it necessary for us to go to the States of New York and Massachusetts to learn how to legislate with a view to levying taxes. He believed, moreover, that those were the only two of the thirty States that adopted the principle, at least they were the two which were always trumpeted forth. The State of Mass. was not similarly situated to Upper Canada, it was a mercantile and commercial rather than an agricultural State. He would now recall to the memory of his hon. friend from Oxford the arguments he had made use of in favour of a repeal of the Usury Laws, arguments which he (Mr. B.) thought would come into play in the discussion of this measure. They were told that we wanted capital, that we wanted to induce

persons to come in and lend us their money to advance the general interests of the country; but now his hon. friend wanted to tax mortgages, notes of hand, and monies of all descriptions. So that when a man wanted to borrow £100 he would take into consideration, that that £100 was immediately going to be taxed; the tax would fall upon the borrower and it would have the effect of driving money out of the country. If we could only legally charge 6 per cent interest on money loaned and if we taxed the honest capitalist who is in his habit of lending large sums of money to the Government and Corporations for carrying out public objects and commercial enterprizes, he (Mr. B.) would like to know if it would not drive him out of the country with his capital, or make him resort to some means by which he could get himself paid in his dealings with the parties to whom he loaned money. He (Mr. B.) had a man in his eye at this moment, a gentleman in Toronto, who could at any moment lay his hand upon capital to the amount of £100,000, at this moment not liable to be taxed; but tax that man's capital, and would it not diminish his 6 per cent interest, unless he could get it out of the person to whom he loaned the money; and yet his hon. friend said that 6 per cent was not a sufficient inducement to persons to bring capital into the country. He should like to know how these two arguments could stand together? It seemed to him a most strange and inconsistent course for the hon. member to stand up and urge most powerful arguments in favour of a repeal of the Usury Laws, so as to induce capital into the country, and at the same time heap upon it an additional incubus to prevent its being brought into the country. It had been said that in England the tax was on income; and he (Mr. B.) thought it would be much more just to place the tax on income than property, because the citizen and professional man, who, by his skill or industry, had acquired a handsome income, was quite as able to pay a small tax, for the local improvements and schools, as the man who, not being in any way in business, had amassed an amount of property in many instances in this country unproductive, and who was gradually escheating a portion of it every year. The income tax too, was only resorted to in England as a dernier resort to prevent the nation being plunged year by year deeper into debt. He admitted that a property tax was a just tax in England, because there, property of all kinds had a well regulated value, and every one having property for sale from a match up to 100,000 quarters of wheat could get the fair value for his property. Not so in this country, where there are masses of property of real intrinsic value for which, under present circumstances, absolutely nothing could be got. If it was a tax to be raised from the rural populations for rural purposes, he would not object to it, but it was not so. It was well known that in the remotest settlements, they could scarce find a man who was worth £300 and in the whole of Upper Canada, he believed there were few, if any who were not in debt. The tax in the latter case, he need not state, would be inoperative as if their debts were paid, they might have nothing to tax them for. It was said that there was nothing inquisitorial in the measure, but he could not see a more inquisitorial system than making it imperative on a man to take an oath of what he was worth. In this way a dishonest man who might be worth a large amount, could swear he was worth nothing, whereas the honest man, would be made to bear his own burden and the burden of the dishonest man as well. What honest man, therefore, could take an oath for this purpose and not think the measure inquisitorial. He might instance the case of Mr. Bethune a very worthy man who possessed the greater part of the steamboats on Lake Ontario--say that he was in a state



of insolvency and that he was brought forward to swear how much he was worth--It might be said to him--why Mr. Bethune, you have ten steamboats and each of these steamboats are worth £5000, this will lay you open to be taxed for £50,000, and if Mr. Bethune did not wish to swear that he was not in a position to be trusted for £5, he must allow himself to be taxed for the amount named. Other instances of a like nature might be given, such as shopkeepers who had goods in their possession, but which might not ever be paid for, and who if brought to an oath would be compelled to admit that such goods were not paid, for the purpose of escaping the assessment.<sup>58</sup> If a storekeeper, say Mr. Thompson, had commenced business, appeared in a flourishing state, and was taxed at £2000; he might have got his stock on his personal character, and he would have to swear that it was not his own, or pay the tax. It would injure the shopkeeper, and injury to the country shopkeepers would injure the farmers and neighborhood, for the farmer was interested in the prosperity of the country shopkeeper.<sup>59</sup> The measure was also said to be one for the interest of the farmer, but he did not think the farmer was the selfish, sordid person he had been represented to be and who would wish other persons to pay taxes which he was entitled to pay himself--such as the Tavern-keeper, the Merchant and the Grocer, who purchased the butter the cheese and other products of the farmer. If the country Shop Keeper was obliged to pay this tax, would the result not be, to make him raise the price of his goods, and thus in the end make the assessment fall upon the farmer who had to pay a higher sum for the goods he purchased? He desired that the measure should be a popular one, for if the Tavern-keeper and Grocer were averse to it, these men possessed an influence, from the numbers who were in their debt, and that influence would be brought to bear upon the measure in a way that would render it unpopular. The bill in his opinion was an obnoxious one, and not in the present condition of the country called for, and taking it in all its bearings, he thought it one of the most unjust measures which could possibly have been introduced into the house. It had been regarded with aversion when introduced in 1843, and the same aversion would be evinced towards it now. Hon. members had been warned by the hon. Inspector General, but in his turn he would warn the government, not to carry the measure through this session, but call it over until the country had the opportunity of expressing their sentiments on the subject.<sup>60</sup>

MR. THOMPSON said that when he considered that hon. gentlemen were there to do justice to the public, and not to attend to their own interests, he was decidedly in favor of<sup>61</sup> the principle of the present Bill.<sup>62</sup> (Hear.) It was a measure that would have the effect of putting on a more regular footing, the taxation of Upper Canadians, amongst whom the poor man is at present more heavily burdened than the rich.<sup>63</sup> He considered the present system vicious.<sup>64</sup> For instance the land worth 20s. an acre was taxed as heavily as the land which was worth £100; and the merchant selling £10,000 did not pay any more taxes than the merchant who sold only £1000.<sup>65</sup> This was not right.<sup>66</sup> He had not the slightest doubt that the Bill would give the greatest satisfaction to the country, at large, and more particularly if some alteration were made in the details.<sup>67</sup> If the details were carried down as far as they at present were, they must be carried down further, and made to include the salaries of professional gentlemen, and those who administered justice ... He thought an Income Tax might be made justifiable; but that the present Bill approached the nearest thing to it, and, with a little alteration, he was satisfied that it would work well. The Hon. mem-

ber (Mr. Hincks) who had brought it in, deserved great credit for having done so.--Notwithstanding all his faults, it would wipe off a great deal, but not quite balance the book,--(Laughter.)<sup>68</sup> (Hear, hear.)<sup>69</sup>

MR. PRES. EX. COUN. MERRITT was delighted to hear the remarks of the hon. gentleman who had just spoken, as he was precisely the person from whom any marks of approbation would have weight. He was not more pleased however with the remarks of that hon. gentleman than he was surprised at the discourse of the honble. member for Norfolk.<sup>70</sup> His Hon. friend had, a short time ago, been a great enemy of his, (Mr. M.'s) and<sup>71</sup> having a discourse on this subject one evening<sup>72</sup> with a farmer who was present<sup>73</sup> the hon. gentleman had in his (Mr. M.'s) presence obtained so much information on this subject, and had every one of his positions so ably refuted by a farmer, that he hoped the hon. gentleman was fully convinced and would say nothing more on the subject. Now, the hon. gentleman had said that the principle of the bill was unsound. He would tell that hon. gentleman that the only sound principle of taxation was taxation on capital. No person could bring any good argument against it. He cared not if that capital were in lands, money, bonds, or mortgage; it was all liable to assessment under any sound system of taxation. Now, the question was not a question of increasing taxation, as some hon. gentlemen seemed to suppose. It was not intended to increase the taxation one farthing, but to make a fair and equal division of it. Hon. gentlemen appeared to forget that the farmer at present pays the whole taxation, as could be seen by reference to the list of articles taxable under the law of 1849. The first taxable article mentioned in that act was land. Who bears the burden in that case? The agriculturalist. Then it goes on to tax his horses, and even his log house, and even his fire places. Every tax from beginning to end turned upon the agriculturalist, whilst capital, now called money, was exempted. That was the system adopted thirty years since. He did not find fault with the law as passed then, because they had at that time, to put the tax on such property as they had, and that property was almost entirely agricultural. But there is a great change in that respect. There is now a capital in the country, and he would like to know on what principle<sup>74</sup> of justice<sup>75</sup> capital should be exempted from taxation? He could see no good reason why it should not be subjected to an equitable tax, instead of putting the whole amount of the taxation on the agriculturalist. He had heard a great deal about the inquisitorial nature of levying the taxes under this law, that it would be exceedingly unpopular. He was prepared to admit that it would be unpopular among the European population, because they did not understand it; but on the contrary, it would be popular among the American population, because they would understand perfectly that the assessor was not to go into a man's house and value every article it contained, as the Englishman appeared to think. Instead of that being the case, the assessor takes the valuation from the proprietor. That was the principle on which they proposed to act, and it was exactly the same principle that has been acted on for years in St. Catharines and other towns in Canada, and he had not heard of a single case of dissatisfaction; but if a party were aggrieved by the assessment being taken too high, by going before the Quartes (sic) Sessions and making affidavit to that effect, and to the amount of personal property he was worth, he could not be taxed for any larger amount than that mentioned in the affidavit. It had been said, also, that the assessment of personal property would have the effect of inducing many persons, from a wish to appear well in the world, to rate their property

higher than it really was worth. He did not think that objection would have much weight, for if people were vain enough to represent themselves possessing more property than they really were worth he was quite willing to tax them for their vanity.<sup>76</sup> He (Mr. M.) had always believed that the English system of taxation was unjust; that its tendency was to make the poor man poorer, and the rich, richer. Intellect and labor ought not to be taxed.<sup>77</sup> With respect to the objection of the hon. member for Norfolk, that it would have the effect of driving capital out of the country, to those places where it was not taxed, it would not have that effect, however, for the taxation would be so equitably divided, that it would not be felt by any particular person. If the capitalists however, should leave Canada, where would he go to?<sup>78</sup> Those persons could not go to any other place to avoid it, except to Europe.<sup>79</sup> If he went to the States he would find this principle in operation, and he would find it had worked well there. He thought it would be clear to every one that the bill was to weigh equally on all sides<sup>80</sup>. The sooner the principle of the Bill was adopted here the better; he would cordially support the measure.<sup>81</sup>

MR. WILSON said there was not a measure before the house which would be more earnestly discussed out of those walls, than the one then before them, because its provisions would affect every individual householder in the country. It would naturally excite the apprehensions of the wealthy, whose possessions it would justly reach, as well as the fears of the poorer classes, for whose benefit it would undoubtedly operate; and although it would practically leave untouched a large intervening class, they, too, would not be free from the same apprehension. Two classes had been, and would be found warmly opposing it--the interested and the unreflecting. The first because different kinds of property, wholly exempt by existing law, were intended to be made the subjects of assessment by the present measure. The second, because they had not examined the Law of Assessment, as it now stood compared with the proposed change. No proposition seemed more clear to him or more just than this, that every individual in a community should contribute according to his means, an equitable amount of such taxation as was imposed for the general benefit of the community. If mankind had attained that state of perfection, of which the sanguine dream, that state, in which every man would know, and voluntarily perform his duty, they would require neither assessment to ascertain his ability, nor compulsion to make him pay according to that ability, for all would, of their own accord, assess their taxes and pay them, but as this was not, and he feared never would be the case, they must, by some means, discover every man's ability to contribute, and then compel him, if he should still be unwilling to pay his contribution. If this bill, therefore, proposed the fair discovery of every man's means of paying taxes, it did all that could be done, for the rating of those taxes would be left to the local authorities themselves, who were to say how much was required, and how much should be rated. Assuming that the principle of the bill was correct, and he would vote for its second reading, but would be prepared to show in its details that it contained provisions inconsistent with its principles, clauses which were harsh and unjust, exemptions which were not fair, while it omitted subjects of taxation, which its principles embraced. As it was all-important that this matter should be well understood, he hoped the house would allow him to go over the subject as briefly as possible. That the direct taxation of the Upper Province, with few years



exceptions, was made for purposes purely local, and by the local authorities themselves, was so well understood, as scarcely to require notice, except for the purpose of embracing the whole range of the question. These local taxes, up to the present time, had been rated and imposed upon an arbitrary valuation of assessment of real or personal property. The subjects of assessment and taxation--their valuation and the rate which could be imposed upon them, as the law now stood, might be thus concisely stated.--Every acre of arable pasture or meadow land, 26s; every acre of uncultivated land, 4s; every town lot situated in York, Kingston, Niagara, and Queenston, £50; Cornwall, Sandwich, Johnstown, and Belleville, £20; every town lot on which a dwelling is erected in the town of Brockville, £30; every town lot on which a dwelling house is erected in the town of Bath, £20; every house built with timber squared or hewed on two sides, of one storey in height, and not two stories, with not more than two fire places, £20; for every additional fire place, £4; every dwelling house built of squares or flatted timber on two sides, of two stories in height, with not more than two fire places, £30; and for every additional fire place, £8; every framed house under two stories in height, with not more than two fire places, £35; and for every additional fire place, £5; every brick or stone house, of one storey in height, and not more than two fire places, £10; and for every additional fire place, £10; every framed brick or stone house of two stories in height, and not more than two fire places, £60; every additional fire place, £10; every grist mill wrought by water, with one pair of stones, £150; every additional pair, £50; every saw mill, £100; every merchant's shop, £200; every stone house owned or occupied for the receiving and forwarding goods, wares or merchandise for hire or gain, £200; every horse kept for certain purposes of hire or gain, £19; every horse of the age of three years and upwards, £8; oxen of the age of four years and upwards per head, £1; milch cows, per head, £3; horned cattle from the age of two years to four years, per head, 20s; every closed carriage with four wheels, kept for pleasure, £100; every phaeton or other open carriage with four wheels, kept for pleasure only, £25; every carriage, gig, or other carriage with two wheels, kept for pleasure only, £20; every wagon kept for pleasure £15.

He said that, on no other kinds of property than these, could any rate be imposed--and it naturally suggested itself to ask, whether these things, and these only were the true representation of a man's means? and whether the valuation was equitable? The answer to both enquiries appeared obvious. The property above enumerated, reached but slightly the means of the wealthy. The valuation was originally in most instances arbitrary, and from the development of the resources of the country, had become unjust. Thirty years ago, when land could be got for almost asking, it might have been well enough to estimate it all at an equal value; but it could not be so now. If land had been worth improving at all, it could not be of less value when improved, than £3 per acre, and from this sum it might range to £25 in the neighbourhood of our cities. The Government price of wild lands was now 8s; but even this might become, from situation, as valuable as if it were improved. But by the law, even as amended by the District Council act of 1841, no land could be taxed over a penny on the acre,--and, practically, the most remote and poor settler paid as high a tax on his land, as the most weakly farmer in the immediate neighbourhood of a city or large town. By wise policy, valuable unimproved lands, retained merely that they might increase in value, by the improvement of other lands about them, he thought, ought to be rated

yearly, at their increased value, and taxed accordingly--while land of little value should be rated and taxed in the same way, and not by a mere general and arbitrary value as established in 1820. Then as regarded personal property, no one could say that the possession or not, of the property above enumerated, was the true criterion by which to judge of a man's means of paying taxes. There are some indications of wealth, properly embraced by the bill, but others, at which it grasped, by no means sustained those indications, on the contrary they truly indicated a decaying not a flourishing state of a man's affairs, and indicated poverty with refinement, more than affluence. There was something offensive perhaps in the mode of its operation, and in the trying powers of its officers, which ought to be modified. Then, there were exemptions, which should not have been made, to the extent, at least proposed by the bill. On the other hand there were some things omitted, which might fairly have been put in the bill as subjects of taxation. He had been unable to discover why the income of professional men should not be embraced in this bill. It had been said, and perhaps truly so, that there were too many professional men in the House, and it had naturally been inferred, that, in all law-making, they had taken special care of their own interests. The present would be a becoming occasion for them to show that they were above the littleness vulgarly imputed to them. It was true that as a class they possessed the means of contributing their share. Between the tangible and available capital of the professional man, there was but little difference, except in this--that it was not a capital to be transmitted, but while it lasted, it was just as available as any other capital, and its relative value could be ascertained by its yearly emolument. He contended that this, was justly the subject of assessment and as forming part of the principle, ought to form part of the detail of this measure. He would support the second reading of this bill, because it was intended he conceived to be just in its principles. The detail, as he had said already, was not, as he thought, correct, but he considered the country imperatively required some measure of the kind, and he would not oppose a good measure on interested or party grounds. He would vote for the second reading of the bill, and endeavor when in Committee of the whole to make it, what he thought it ought to be, a measure which would make every one according to his means, contribute to the fund self-imposed, for purely local purposes. But if the bill on passing through the Committee was not consistent, with principles which he had stated, he would reserve the right to vote against the measure at its third reading.<sup>82</sup>

MR. J.S. MACDONALD (Glengarry) congratulated the professional men in the House on the remarks of the last speaker, for they showed professional men were not all selfish. He thought every man ought to contribute according to his ability, and therefore he supported the bill of 1843, though he knew it had contributed much to the defeat of the party with whom he acted, in consequence of great misrepresentation. The Act which the hon. member for London alluded to had, in the back townships encouraged the building of common round log houses, where there would otherwise be good square timber houses. He saw no reason why professional men should not pay for their large incomes; nor why merchants should be exempt, who perhaps made large fortunes out of establishments in villages for which they paid a small rent; why should not these people pay for the improvement in roads, &c., by which their goods were conveyed to and fro? If it was said that these parties

sometimes would represent themselves as wealthier than they were, the tax would then be on their vanity. The holders of wild lands were another class who would object to this bill; but for his part he had always done what he could to help those who were struggling against the influence exerted by these absentees, who kept their lands that settlers might render them more valuable. Another class who would object to the measure was holders of money capital; but he would like to know why these parties should not pay their fair share of taxes. There were a numerous class who had lent their money on mortgage, or sold lands on mortgage; now why should those persons of property escape, while the nominal owner of the land, owing persons whole value was oppressed by taxation. It was said the unreflecting would object to the bill; that was true and there was too many easily led representations like those made by the hon. member, who in 1843, represented Durham, and who being a rich man and large holder of wild lands, cried out boldly against it, alleging that it was intended to tax teacups and saucers and every article of furniture. Whenever people came to understand the principles of the bill, however, they became favourable to it. He had a letter from the richest man in his District approving of the bill; the hon. member for Halton, would also be greatly affected by the bill, yet he, too, was in favour of it, and in fact its principle was most just and equitable. The vote of that night would show who was the farmers friend, and who was not.<sup>83</sup>

MR. STEVENSON represented an agricultural constituency, and was opposed to the bill, because it would have the effect of taxing the farmers more heavily than at present. It had been represented that under the present system nearly all the taxes fell upon land. He had analysed the returns of the assessment levied in his district, and he found that it amounted to £290,000, £130,000 of which was levied on lands, £40,000 on one-story houses, and £12,000 on two-story houses--making £193,000 on real estate and houses, while the assessment levied on estate was £93,000, so that only two-fifths of the whole assessment was levied on lands, and that a little over one-third was levied on personal property, the largest portion of which fell upon merchants, whom he apprehended would not be taxed at all under the proposed bill. He would not fancy how the bill would work, but he would speak of how it had worked where it had been tried. He believed that the measure was copied almost word for word from the law of the State of New York, with only one difference, that there was exception there. Nothing appeared better on paper than a scheme to put an equal taxation on every one, and he would support the bill if he thought it would do so, but he had no reason to suppose it would do so any more in Canada than in the State of New York. He found, from the returns from the State of New York for 1845, that the real property was assessed at \$486,000,000, while personal property was assessed at \$115,000,000, one-fifth of the amount levied, most of which was levied in the city of New York; so that out of the city 19-20ths of the whole burden fell upon lands, and there there was no exception as to the personal property.<sup>84</sup>

MR. INSP. GEN. HINCKS.--Household furniture, mechanics' tools, &c., are exempted.<sup>85</sup>

MR. STEVENSON continued: the present system of assessment in Upper Canada, in levying an arbitrary tax of<sup>86</sup> 20s.<sup>87</sup> on each acre cultivated, and<sup>88</sup> 4s.<sup>89</sup> on each acre of wild land, without respect to its position or quality, was not so unequal or unjust as it appeared at first sight, for where the



lot of land was poor, it was not likely that the man who owned it would have a very fine house, or a great deal of fine furniture, or any spring carriages, and he had not, therefore, to pay the same taxes for these things as the man who had a good lot of land, whom it was very natural to suppose would have a better house, more furniture, stock,<sup>90</sup> pleasure carriages,<sup>91</sup> &c.<sup>92</sup> Now as to the equity of the plan adopted in the United States, he would remark, that there the supervisors in the counties fixed the value of land in each township, and every acre in that township whether arable land, swamp, or rock paid the same rate; now was that equitable and just? In New York the law worked more unequally than in Canada. 9-10th of the whole amount of taxation fell on the land; but pleasure horses and carriages; but good houses with three or four fire places did not pay as they did now in Canada.<sup>93</sup> The Assessors of one Township would make what they considered an honest valuation of the property in their Township, which would probably be found to differ twenty per cent. from the valuation made by the Assessors in other Townships. He thought the proposed measure would prove far more unequal than the present law. He had heard it said that it would prove troublesome to men of business, but he was not afraid of it, because he thought in a year or two it would remove most of the burden they now bore from them. There was one class of men whom he did not think bore their proper share of the burden; he alluded to professional men, but he was afraid the Bill before the House would not reach them.<sup>94</sup> They would pay merely on their houses.<sup>95</sup> The whole effect of the Bill would be to lighten the burden upon merchants, upon<sup>96</sup> the proprietors of fine houses and pleasure carriages, and ultimately to increase the burdens on lands.<sup>97</sup>

MR. MORRISON though opposed to the details of the bill should vote for the second reading. He agreed in the main principle of the bill that a more equitable system of taxation was desirable in Upper Canada; but he objected to the personal clauses of the bill, and should oppose them strenuously. He considered that the bill, similar to this introduced in 1843, was one of the principal causes of the defeat of the party at the general election, immediately afterwards. He knew that the present assessment law pressed heavily on the poor man, and on those who lived in the backwoods, and lightly on those who lived in front townships. And he knew that some change in the law was desirable, but he believed the reason why all assessment laws had failed was, that obnoxious personal clauses had been introduced into them. The hon. Inspector General had referred to the state of New York; but he (Mr. Morrison) did not think we ought to go there for our laws and legislation. We might very well refer to their principles, but we should not copy too closely from a republican country. He (Mr. M.) knew that the personal clauses of this bill were obnoxious to the majority of the people of Upper Canada. Every letter he had received from his constituents had pressed upon him the necessity of endeavouring to prevent this measure from passing through the house. He (Mr. Morrison) was glad to hear the Inspector General say that if a majority of members from Upper Canada were opposed to these personal clauses, he would abandon them with pleasure. He believed the hon. member would find that a majority of the Upper Canada members were opposed to these clauses. The hon. Inspector-General had referred particularly to merchants as the parties who were to be taxed. He (Mr. M.) was not there for the purpose of protecting the mercantile interest; but he would tell the Inspector General that the merchants of Toronto, and the merchants of Upper

Canada were entitled to some respect; and when they had said that this was a most inquisitorial measure, he (Mr. M.) thought they were quite correct. Indeed it was but necessary to refer to the bill itself to shew that it was most inquisitorial. But his principle objection to the bill, was, that the people of Upper Canada were opposed to it; and even the ministerial press had thought it prudent not to discuss the measure. He was in favour of the principle of the bill--uniform taxation; and he was not against a personal property system, but it must not be one obnoxious to the people.<sup>98</sup>

MR. INSP. GEN. HINCKS.--What is your system?<sup>99</sup>

He, MR. MORRISON, had no system. He took it for granted the Government would bring down a proper measure, but he did not think they had done so. He thought the Government ought not to have pressed this measure as a Government measure; the measure would not give any revenue to the Government, and they might, by means of a clause in the municipal act, have given the different localities power, if they thought proper to ... adopt those personal clauses; but they should have been omitted from the Government measure. The hon. member concluded in his speech by saying that he would vote for the second reading of the bill; but oppose it as forcibly as possible in its other stages.<sup>100</sup>

MR. RICHARDS expressed himself struck with the observations of the hon. member for the third Riding of York, and was surprised that he had taken up the subject so warmly. Some hon. members did not seem to like the system of appealing to the United States for the way in which measures were worked there. It ought to be recollected, however, that in the settlement of many little matters, the authority of precedents in the United States were often taken and acted upon. The system of assessment he thought would work well here, if it worked well in the United States. It had often been remarked that property should be protected, and in order that it might be protected, it was held that it should be represented--Property, however, should never be protected, in such a way as to deprive other parties of their rights, and in order to keep it from interfering this way, it was right that property should be taxed. For this purpose, therefore, they should endeavour, to find where it was, and when they had found it, they ought then to tax it. It had been remarked that if they placed a tax on the wealthy inhabitants they would remove from Upper Canada; but if they did so they could not go to the United States, for the same law was in operation there as the one at present before the House. Would they not be more likely to remove to Lower Canada, in order to escape it. (Hear, hear.) In the small towns there were many who had not the same opportunity of disposing of their goods in the same extent as merchants in the larger towns, and it was the inequality of causing the man whose income did not exceed £300 a year, to pay as much as the person whose income might be £400, which was complained of, and it might be from such persons as the latter class the cry would be raised against the measure. The sum of £300 under which the government proposed to exempt property he thought would be better to be reduced to £100, as almost all farmers would know whether their stock was worth that amount or not, and which would therefore do away with the guess work. The hon. Inspector General had said that he would not press the taxation clauses if he was not supported by a majority of the Upper Canada members, but he would have the hon. Inspector General to recollect that although he might not get a majority of members

from Upper Canada to support him, he might have the support of those who represented the majority of the people of Upper Canada.<sup>101</sup>

MR. INSP. GEN. HINCKS explained that he had said if he was not supported by a majority of the Upper Canada members who supported the Ministry--the Liberal members--he would not press the clauses.<sup>102</sup>

MR. RICHARDS had misunderstood him then.--The hon. member then went on to show the unfairness of taxing men engaged in active mercantile or other pursuits, if the drones of the country were to be allowed to get free, as it was to active business men the country owed its progression, and who, although they paid a tax on their income derivable from their business, yet at their death left nothing; while the drone, who had his money invested in the stocks, though he might pay a tax while he lived, yet left at his death the interest of his investment for his heirs. He then went into an explanation of the system pursued in the state of New York, and stated his belief in the doctrine that it was better to tax capital than income. He also referred to the fact of the property of absentees being enhanced by the clearings made by actual settlers;--although they often sold their land at an increased price in consequence of its being so improved yet contributed nothing to such improvement. He thought it would be of advantage to the public revenue even for the Government to take the waste or wild lands into their own hands instead of allowing them to go into the hands of speculators who were allowed to reap the advantages he had referred to by the land in the neighbourhood being improved by settlers and thus raising the value of such wild land in the vicinity, and enabling such speculators to get a higher price for it when sold. A clause relating to the subject had been embodied in the last bill introduced on the subject, and he trusted a similar one would be introduced into the present bill.<sup>103</sup>

MR. ROBINSON quite agreed with what fell from the hon. and learned gentleman opposite. (Mr. Richards,) respecting the necessity of placing a more equitable tax on wild lands, as he knew lands near Towns and Villages, that would sell from £2 to £5 an acre, but which the proprietors would not sell on any terms. This was wrong, as lands 20 miles from any settlement, and perhaps in a swamp, was (sic) valued at the same rate--4s. an acre. The hon. Inspector General complained of the Bill of 1843 having been misrepresented, and that the grossest falsehoods were circulated respecting it. He (Mr. R.) thought it was not necessary to resort to falsehood or misrepresentation--that Bill, and this one too, spoke for itself.<sup>104</sup> There was inequality under the present law and there would be inequality under the present bill.<sup>105</sup> The Inspector-General asked if we desired to place all the taxation on land. This Bill, Mr. Robinson contended, would do so<sup>106</sup>. At present there was in the Home District about half the whole tax levied on personal property; now that would escape under the present bill, for<sup>107</sup> the £800 exception would exempt a large portion of the Townships population from any tax on personal property. His hon. friend, the member for Prince Edward, had shown, by reference to his District, that a larger portion of the assessment was now levied on personal property. He would mention for the information of the Hon. Attorney-General, that in the Home District, an important part of which that gentleman represented, the proportion was on houses and lands, £675,853; mills, £51,129; personal property, £309,819. The hon. member for Lincoln said, he had capital in the country--why not tax that? He (Mr. R.) would say because we want more.<sup>108</sup> The hon. member read a letter from a gentleman



who he said had introduced a great deal of capital to the country, but who declared capitalists would not invest here if this bill passed.<sup>109</sup> He (Mr. R.) was anxious<sup>110</sup> to adopt an equitable system for wild lands and some other parts of the bill; but there were many details to which he must object.<sup>111</sup> This Bill could not be so amended. He would prefer a new Bill.<sup>112</sup>

MR. ASST. COM. P.W. CAMERON remarked that the bill was said to be odious; but all those gentlemen who had spoken and who lived not in towns, but among the people, and therefore knew their feelings, declared the measure would be a popular one. An hon. gentleman who spoke early in the evening had stated that he had letter after letter to beg him to support this bill; and as he was one of the first to be seriously affected by it, the liberality with which he determined to do so, must make him for ever popular. He (Mr. Cameron) had letter after letter from persons too, who had been excised, and had complained on some subjects; but all declared that they would pardon almost anything else, if Ministers pushed this bill and the municipality bill. The hon. member for Norfolk had spoken of the excitement against the like bill of 1843. He believed that the hon. member had been the first to get up the excitement that prevailed against it; but shortly after, the hon. member went to try to get elected in Kent, and was beaten; while he (Mr. C.) had succeeded in getting elected in Lanark; making this a prominent question. At his last election in Kent, with all the local influence against him, he had succeeded on this question and the municipal bill. He believed he could go into the West Riding, and beat the hon. member at any meeting there by the proportion the farmers might bear to the merchants and gentlemen who professed realized property. That hon. member admitted the present law was hard on the poor--that it ought to be amended--and that he had no plan to amend it; so that it seemed as if he should vote for the bill. He was glad the hon. Inspector General had explained the position in which the Government stood, and he perfectly understood it; but he hoped it would not be necessary to withdraw the personal property clause, for if so, he could not support it. He was himself a merchant with about £8000 invested in shipping and village lots, which were worth £25 or £30 each. Now, if he had land in the bush he paid like his neighbour, 18s. 8d. tax, for 100 acres not worth more than \$2 each; but for the village lots of which he had already sold £6,000 worth, and was daily selling others, he paid nothing at all. How then could he vote to tax every other person's property, and exempt himself?--The hon. member for Prince Edward opposed the bill, because it would lay a heavier burden on land and in doing so, showed that in his District personal property was taxed much more heavily than in the United States; but that personal property tax--as on pleasure carriages, cows, horses, &c.--was paid by the farmers. If there were any clause which he would like to see amended, it was that to exempt property under £300 in value, which he thought too high. The hon. member for the West Riding, had read a passage from Mr. McCulloch, against the bill; but if he had read the next sentence, he would have seen that Mr. McCulloch declared it was better for the assessment to be calculated on the statement of the parties than on the appraisal of the assessors. The bill embraced the four great principles of equitable taxation--first, that it should be proportioned to the means of those who paid, and the benefit they derived; second, that it should be certain, and not arbitrary; third that it should be collected in the most convenient season, and fourth, that it should be collected with the least possible ex-

pense. The bill would impose no new tax; but was only intended to make the taxes bear more equitably.<sup>113</sup>

MR. JOHNSON expressed his determination to vote for the second reading, although he would wish to see some alteration in the details, and therefore would reserve to himself the right of voting for or against it the third reading, according to the alterations made therein.<sup>114</sup>

(190)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cartier, Cauchon, Chauveau, DeWitt, Flint, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Laurin, Macdonald of GLENGARRY, M'Connell, M'Farland, Morrison, Nelson, Notman, Polette, Price, Richards, Scott of TWO MOUNTAINS, Smith of WENTWORTH, Taché, Thompson, Viger, and Wilson.--(39.)

NAYS.

Messieurs Badgley, Boulton of TORONTO, Macdonald of KINGSTON, Malloch, Robinson, Seymour, and Stevenson.--(7.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Frivolous  
Oppositions  
(L.C.) Bill.

The Order of the day for the second reading of the Bill for preventing frivolous and vexatious Oppositions to the seizure of moveables or of immoveables, and for the better ensuring the executive of Judgments of the Courts of Law in Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Quebec Dis-  
trict Teachers  
Association  
Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Teachers' Association of the District of Quebec, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till Friday next.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. M'Farland,

The House adjourned.

APPENDIX: 28 MARCH 1849.

((QUESTION AND ANSWER RE: CAUGHNAWAGA CANAL.))<sup>115</sup>

MR. EGAN ((asked)) as to whether the Government intended to introduce any measure relative to the Caughnawaga Canal.<sup>116</sup>

MR. ASST. COM. P.W. CAMERON said<sup>117</sup> that the Ministry were prepared to render every assistance in its power to any parties who might begin the work, and that the Ministry regretted that no Bill had been introduced to form a Company to carry out a measure which was of great importance to the country.<sup>118</sup>



FOOTNOTES: 28 MARCH 1849.

1. This motion was reported by: MONTREAL GAZETTE, 30 March 1849; and PILOT, 30 March 1849, and GLOBE, 7 April 1849, in identical accounts.
2. MONTREAL GAZETTE, 30 March 1849.
3. IBID.
4. This matter was reported by: MONTREAL GAZETTE, 30 March 1849; and PILOT, 30 March 1849, and GLOBE, 7 April 1849, in identical accounts.
5. PILOT, 30 March 1849.
6. MONTREAL GAZETTE, 30 March 1849.
7. The debate on this motion was reported by: MONTREAL GAZETTE, 30 March 1849, BRITISH COLONIST, 6 April 1849, and HAMILTON SPECTATOR, 7 April 1849, in identical accounts. PILOT, 30 March 1849, GLOBE, 7 April 1849, and PROVINCIALIST, 9 April 1849, noted the debate in identical accounts; LA MINERVE, 29 March 1849, also noted the debate. The PILOT merely noted this debate by stating that, "as the question is of a purely local character we have forborne to report it."
8. MONTREAL GAZETTE, 30 March 1849.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. This motion was reported by: MONTREAL GAZETTE, 30 March 1849. PILOT, 30 March 1849, and GLOBE, 7 April 1849, noted the matter.
25. MONTREAL GAZETTE, 30 March 1849.
26. The debate on this matter was reported by: PILOT, 30 March 1849, GLOBE, 7 April 1849, PROVINCIALIST, 9 April 1849, and BATHURST COURIER, 13 April 1849, in identical accounts, except that GLOBE abbreviated and omitted several speeches, PROVINCIALIST abbreviated several speeches and omitted one, and in BATHURST COURIER only Hincks' and Cameron's speeches were identical to the others; MONTREAL GAZETTE, 30 March 1849, BRITISH COLONIST, 6 April 1849, HAMILTON SPECTATOR, 7 April 1849, and PRINCE EDWARD GAZETTE, 13 April 1849, in identical accounts, except that PRINCE EDWARD GAZETTE only reported Stevenson's speech. PILOT, 30 March 1849, and BROCKVILLE RECORDER, 5 April 1849, noted the debate. Commentaries appeared in PILOT, 6 April 1849, and BATHURST COURIER, 13 April 1849, which acknowledged the PILOT as its source.
27. MONTREAL GAZETTE, 30 March 1849.
28. PILOT, 30 March 1849.
29. MONTREAL GAZETTE, 30 March 1849.
30. PILOT, 30 March 1849.

31. MONTREAL GAZETTE, 30 March 1849.
32. PILOT, 30 March 1849.
33. MONTREAL GAZETTE, 30 March 1849.
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35. MONTREAL GAZETTE, 30 March 1849.
36. PILOT, 30 March 1849.
37. MONTREAL GAZETTE, 30 March 1849.
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59. MONTREAL GAZETTE, 30 March 1849.
60. PILOT, 30 March 1849.
61. IBID.
62. MONTREAL GAZETTE, 30 March 1849.
63. PILOT, 30 March 1849.
64. MONTREAL GAZETTE, 30 March 1849.
65. PILOT, 30 March 1849.
66. MONTREAL GAZETTE, 30 March 1849.
67. PILOT, 30 March 1849.
68. MONTREAL GAZETTE, 30 March 1849.
69. PILOT, 30 March 1849.
70. IBID.
71. MONTREAL GAZETTE, 30 March 1849.
72. PILOT, 30 March 1849.
73. MONTREAL GAZETTE, 30 March 1849.
74. PILOT, 30 March 1849.
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79. MONTREAL GAZETTE, 30 March 1849.
80. PILOT, 30 March 1849.
81. MONTREAL GAZETTE, 30 March 1849.
82. PILOT, 30 March 1849.

83. IBID.
84. MONTREAL GAZETTE, 30 March 1849.
85. IBID.
86. IBID.
87. PILOT, 30 March 1849.
88. MONTREAL GAZETTE, 30 March 1849.
89. PILOT, 30 March 1849.
90. MONTREAL GAZETTE, 30 March 1849.
91. PILOT, 30 March 1849.
92. MONTREAL GAZETTE, 30 March 1849.
93. PILOT, 30 March 1849.
94. MONTREAL GAZETTE, 30 March 1849.
95. PILOT, 30 March 1849.
96. MONTREAL GAZETTE, 30 March 1849.
97. PILOT, 30 March 1849.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. MONTREAL GAZETTE, 30 March 1849.
105. PILOT, 30 March 1849.
106. MONTREAL GAZETTE, 30 March 1849.
107. PILOT, 30 March 1849.
108. MONTREAL GAZETTE, 30 March 1849.
109. PILOT, 30 March 1849.
110. MONTREAL GAZETTE, 30 March 1849.
111. PILOT, 30 March 1849.
112. MONTREAL GAZETTE, 30 March 1849.
113. PILOT, 30 March 1849.
114. IBID.
115. This matter was reported by: PILOT, 30 March 1849, and BROCKVILLE RECORDER, 5 April 1849, in identical accounts; BRITISH WHIG, 30 March 1849, BRITISH COLONIST, 30 March 1849, HAMILTON SPECTATOR, 31 March, 5 April 1849, ST. CATHARINES JOURNAL, 5 April 1849, and PRINCE EDWARD GAZETTE, 6 April 1849, in identical accounts; and MONTREAL GAZETTE, 30 March 1849. LA MINERVE, 29 March 1849, noted the debate.
116. MONTREAL GAZETTE, 30 March 1849.
117. PILOT, 30 March 1849.
118. MONTREAL GAZETTE, 30 March 1849.



THURSDAY, 29 MARCH 1849.<sup>1</sup>

(190)

Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. Wetenhall,--The Petition of John M'Kenzie  
and others, of Dumfries, Flamborough, and Beverly, District of Gore.

By the Honorable Mr. Cameron, of Kent,--The Petition of John Crow, of  
the Town of Chatham, in the Western District.

By Mr. Mongenais,--The Petition of J.A. Mathison and others, on behalf  
of a public meeting of the freeholders of the County of Vaudreuil.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of I.W. Powell, President, and M.H. Foley, Secretary, of the Talbot  
District Temperance Association, on behalf of the same; praying that the  
power of granting Tavern Licenses may be transferred from the Magistrates  
to the District Councils.

Of George Chaperon, of the Parish of St. Pierre and St. Paul, County of  
Saguenay; praying compensation for certain loss and damage sustained by him  
as a Commissioner for exploring Les Caps between that Parish and St. Joachim.

Of Francis Drake, President of the County of Kent Agricultural Society,  
on behalf of the said Society; praying for the adoption of certain measures  
to effect the draining of a large marsh or prairie in the Township of  
Raleigh.

Ordered, That the Petition of George S. Wilkes and others, of the Districts  
of Niagara and Gore, be now read; and that the Rule of this House re-  
lating to the reception of Petitions on private matters be suspended as  
to the same.

And the said Petition was read; praying for an Act of Incorporation to  
authorize the Petitioners to build an Iron Bridge at or near the Waterloo  
Ferry, over the Niagara Falls.

Petition of  
E. Wright  
and others;

Ordered, That the Petition of Edward Wright and  
others, of the City of Toronto, and the Petition  
of the Municipal Council of the Home District  
(Salaries of District Officers,) be referred to  
the Committee of the whole House on the Bill to  
provide by one general Law for the erection of  
Municipal Corporations in and for the several  
Counties, Cities, Towns, Townships and Villages  
in Upper Canada.

Of the Mun.  
Council of the  
Home District,  
referred.

Fourth Report  
of Committee  
on Railroad  
and Telegraph  
Line Bills.

Sir Allan N. MacNab, from the Standing Committee  
on Railroad and Telegraph Line Bills, presented to  
the House the Fourth Report of the said Committee;  
which was read, as followeth:--

Your Committee have seen, with satisfaction, that  
the Niagara and Detroit Rivers Railroad Company on  
learning that its agent, Mr. Wallace, had been paid the sum of Nineteen  
pounds seventeen shillings and sixpence for his travelling expenses and  
evidence, and considering that all expenses incurred in promoting its pri-

vate interests should be borne by the Company and not by the Public, immediately returned the said sum to the Clerk of the House; and they entertain the hope that the Great Western Railroad Company, feeling its obligations towards the country, will promptly follow an example so worthy of imitation.

Your Committee have also examined the provisions of the Bill to incorporate Frederick C. Capreol, Robert Easton Burns and others, under the style of the Toronto, Simcoe, and Lake Huron Union Railroad Company, to enable them to construct a Railroad from Toronto to Lake Huron, referred to them, and have agreed to report the same with several amendments, which they respectfully submit for the adoption of Your Honorable House.

On motion of the Honorable Mr. Boulton, seconded by Mr. Cauchon,

Toronto, Sim-  
coe and Lake  
Huron Union  
Railroad Com-  
pany Bill.

Ordered, That the Bill to incorporate Frederick C. Capreol, Robert Easton Burns and others, under the style of the Toronto, Simcoe, and Lake Huron Union Railroad Company, to enable them to construct a Railroad from Toronto to Lake Huron, as reported from the Standing Committee on Railroad and Tele-

graph Line Bills, be committed to a Committee of the whole House, for Monday next.

Fourth Report  
of Committee  
on Road and  
Bridge Bills.

Mr. Fortier, from the Standing Committee on Road and Bridge Bills presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize Antoine Amable Archambeault and others to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned, and have agreed to certain amendments thereto, which they beg leave to report for the consideration of Your Honorable House.

On motion of Mr. Hall, seconded by Mr. Wilson,

Peterborough  
Incorporation  
Bill.

Ordered, That the Bill to incorporate the Town of Peterborough, as reported from the Standing Com-

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mittee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Montreal  
Turnpike  
Roads Bill.

Mr. Scott, of Two Mountains, reported from the Select Committee on the Bill to amend the Acts and Ordinances relative to the Montreal Turnpike Roads, That they had carefully examined the Bill, and taken evidence upon the subject matter thereof; and that, after a due consideration of the Bill and evidence, they had made an amendment to the Bill.

On motion of Mr. Chabot, seconded by Mr. Beaubien,

Prescott  
Election.

Ordered, That the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Prescott,

have leave to adjourn till Thursday, the fifth day of April next, at ten o'clock in the forenoon, to give time to the Members of the Committee to examine the Evidence taken and reported by the Commissioners appointed by

this House.

Petition of  
G.H. Park.

Ordered, That five hundred copies of the Petition of George Hamilton Park, Esquire, late Medical Superintendent of the Temporary Lunatic Asylum, be printed for the use of the Members of this House.

Clerks of the  
Peace, Quebec.

Ordered, That the Return to an Address of this House, of the 22d February last, to His Excellency the Governor General, for a Statement of the fees, income and salary of the Clerks of the Peace at Quebec, during the years 1844, 1845, 1846, 1847, and 1848, be printed for the use of the Members of this House.

W.K. M'Cord.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 2nd March, 1849, and praying that he would be pleased to cause to be laid before the House, a copy of all Complaints made to the Executive, touching the conduct of William K. M'Cord, Esquire, Justice of the Peace, Queen's Counsel, and Superintendent of Police at Quebec, and a copy of all Correspondence on that subject; also, a copy of all Complaints touching the incompatibility of the said offices in the person of the said W.K. M'Cord, and all correspondence on that subject; together with a copy of all Correspondence between the Government and the said W.K. M'Cord relative to his appointment as a Queen's Counsel.

Appendix  
(B.B.B.B.)

For the said Return, see Appendix (B.B.B.B.)

Police Office,  
Quebec.

Ordered, That the Return to an Address of this House to His Excellency the Governor General, of 22nd February, 1849, for copies of all representations, complaints, memorials or petitions on the part of W.K. M'Cord, Esquire, Superintendent of Police at Quebec, relative to the Police Office, and to the assiduity of the Magistrates thereat, be printed for the use of the Members of this House.

Report on  
Petition of  
M. M'Donnell.

The Honorable Mr. Cameron, of Kent, from the Select Committee to which was referred the Petition of Murdoch M'Donnell, of the Town of Perth, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have, in obedience to the order of reference, examined the prayer of the Petition referred to them, and have agreed to recommend that a Bill may be passed to confirm in the Petitioner his title to a certain piece of Land conveyed to him by the Trustees of the Calvinistic Baptist Church of the Town of Perth, in accordance with the prayer of the Petition.

Calvinistic  
Baptist Con-  
gregation  
(Perth) Land  
Title Bill.

Ordered, That the Honorable Mr. Cameron, of Kent, have leave to bring in a Bill to confirm the Title of the Calvinistic Baptist Congregation of Perth to a certain piece of Land in that Town.

He accordingly presented the said Bill to the



House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Hallowell and  
Sophiasburgh  
Boundary  
Line Bill.

Ordered, That the Bill to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward, be engrossed.

Petition of  
G.S. Wilkes  
and others,  
referred.

Resolved, That the Petition of George S. Wilkes and others, of the Districts of Niagara and Gore, be referred to a Select Committee composed of Mr. M'Farland, Mr. Cauchon, Mr. Watts, Mr. Hall, and Mr. Notman, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Meyers, seconded by Mr. Stevenson,

Dredging  
Machine.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause the proper Officer to lay before this House, a Statement of the cost of the Dredging Machine purchased for the deepening of Lake St. Peter, the present employment thereof, and the state of the same.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Road Laws  
(L.C.)  
Amendment  
Bill.

Ordered, That Mr. Bouthillier have leave to bring in a Bill to amend the Road Laws of Lower Canada, in so far as relates to the Townships in that part of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Jobin, seconded by Mr. Laurin,

Notarial Pro-  
fession Organi-  
zation Bill.

Ordered, That it be an Instruction to the Select Committee to which is referred the Bill to amend the Act providing for the organization of the Notarial Profession in Lower Canada, to consolidate the said Act with the amendments intended to be made thereto by the Bill, in order that a Bill be reported repealing the Act and including the provisions thereof, with the amendments; and to cause the Bill to be re-printed.

Limits and  
Internal  
Divisions of  
Cities, &c., in  
Upper Canada.

Resolved, That a Select Committee composed of the Honorable Mr. Attorney General Baldwin, Mr. Bell, Mr. Solicitor General Blake, the Honorable Mr. Boulton, Mr. Boulton, of Toronto, Mr. Burritt, the Honorable Mr. Cameron, of Kent, the Honorable Mr. Cayley, Mr. Dickson, Mr. Fergusson, Mr. Flint, Mr. Hall, the Honorable Mr. Hincks, Mr. Johnson, Mr. Macdonald, of Glengarry, the Honorable Mr. Macdonald, Sir Allan N. MacNab, Mr. Malloch, Mr. M'Farland, Mr. M'Lean, the Honorable Mr. Merritt, Mr. Meyers, Mr. Notman, the Honorable

Mr. Price, Mr. Richards, the Honorable Mr. Robinson, Mr. Scott, of Bytown, Mr. Sherwood, of Brockville, the Honorable Mr. Sherwood, Mr. Smith, of

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Durham, Mr. Smith, of Frontenac, Mr. Smith, of Wentworth, Mr. Stevenson, Mr. Thompson, and Mr. Wilson, be appointed to enquire into the present limits and internal divisions of the different Cities, Towns, and Villages in Upper Canada already having by Law a Corporate Municipal organization, and also into the limits and internal divisions of such other Towns and Villages therein, upon which, from their position, wealth, or population, it is, in the opinion of such Committee, expedient to confer such organization, and into the expediency of amending the same, or any of them, with power to report thereon, from time to time, as to the limits and internal divisions which it may, in their opinion, be expedient to establish for such Cities, Towns, and Villages respectively, or for any of them; with power to send for persons, papers, and records; and that eleven Members, including the Chairman, be a Quorum of the Committee.

Ordered, That the Petition of James Sampson and others, inhabitants of Lot No. 24, first Concession of Kingston, be referred to the said Committee.

Witnesses.

Mr. Christie moved, seconded by Mr. Sherwood, of Brockville, and the Question being put, That during the remainder of the present Session, no monies be paid by the Clerk of this House, from the Contingencies of the House, to any person attending for examination before any Committee thereof, unless, in addition to the formalities heretofore usual and observed previous to payment in such cases, the payment to the person sent for and examined before such Committee is authorized by the Standing Committee on Contingencies, and endorsed, in testimony thereof, by the Chairman of the said Standing Committee; and that no person residing in the City of Montreal, so sent for and examined, be paid; and that in any case when a Witness shall have been in attendance during four days, and where his presence may be still further required, the authority of the said Committee on Contingencies shall be had recourse to by the Chairman of the examining Committee, and so on every four days; and that no payment be made unless the above requirements have been attended to, and are so certified;<sup>2</sup>

MR. CAUCHON made some remarks about the great desire evinced by the members of the Committee on contingencies, to save the public monies. He had heard that the gentlemen of that Committee had lately voted themselves gold pens with silver handles. (Hear, hear.)<sup>3</sup>

MR. CHRISTIE would state, in justice to the clerk or rather under clerk of the House, that he had bought one half dozen of these pens at the direction of the Contingent Committee to see how they would suit. (Laughter.) They were silver pens; and as it was understood that members of another House used gold pens, he (that was the Committee) did not see why the representatives of the people should not have silver pens.<sup>4</sup> No member took one of them without intending to pay for it. One of those pens had disappeared in rather an extraordinary manner, and he would be much obliged if the hon. member for Montmorencie could give him any information about it. (Laughter.)<sup>5</sup> The Committee would take care they cost nothing to the country.<sup>6</sup>

MR. CAUCHON was not capable of being of any assistance to such an old

dodger as the hon. member for Gaspé. If there was any dodging about the House, the hon. member was well qualified from his long experience to find it out. (Laughter.)<sup>7</sup>

MR. CHRISTIE would like to have the hon. gentleman appointed thief catcher to the House. (Hear, and laughter.)<sup>8</sup>

MR. COM. CR. LANDS PRICE thought if members wished gold pens, they should purchase them themselves, with (sic) troubling the Clerks about them.<sup>9</sup>

MR. W. SCOTT of Two Mountains, was a member of the Committee on contingencies, and had heard nothing about the pens being ordered to be bought.<sup>10</sup>

MR. DEWITT was chairman of the Committee and never heard anything about them.<sup>11</sup>

MR. CHRISTIE said, they were ordered by two members of the Committee, and there was no necessity for the House to say anything about them as they would not have been paid for out of the public monies. Although, if it was true that another House, which would be nameless, had provided themselves with gold pens with gold handles out of the public monies, he did not see it would be very extravagant for the members of that House to vote themselves pens with silver handles.<sup>12</sup>

MR. ASST. COM. P.W. CAMERON had hoped to have an economical report from the Contingent Committee; but he feared from this specimen of their proceedings, he would be disappointed.<sup>13</sup>

MR. CHRISTIE had some papers on his desk which would give the hon. member for Kent the opportunity for testing his love of economy. He thought he could show that a very respectable government was carried on in New York State at less cost than ours,--he thought, too, he could convince the Public Works Department of wasteful expenditure and gross incapacity.<sup>14</sup>

SIR A. MACNAB thought it hardly fair to the distinguished body who sat at the other end of the building to make these allusions to their pens. (Laughter.) Was it possible that men so highly respectable--(laughter)--so carefully selected--(laughter)--who were looked on as our House of Lords--(renewed laughter)--could be supposed capable of buying gold pens at the expense of the public?<sup>15</sup>

MR. CAUCHON--Oh! it was the new members who did so--it was the friends of the hon. members opposite--the new members could not get any of them, because they were all gone.<sup>16</sup>

SIR A. MACNAB.--The remarks of the hon. gentleman showed that they applied for them, however. (Laughter.)<sup>17</sup>

MR. H. SHERWOOD (Toronto) did not believe the hon. members of the other branch could have put the public to the expense of buying their gold pens. Why he did not believe it was, that they had some time ago provided themselves with a very magnificent uniform, (laughter,) and they paid for it themselves.<sup>18</sup>

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*The House divided: and the names being called for, they were taken down, as follow:--*



YEAS.

Messieurs Armstrong, Badgley, Bell, Boulton of NORFOLK, Boulton of TORONTO, Bouthillier, Cameron of KENT, Cauchon, Cayley, Christie, Crysler, Dickson, Duchesnay, Fergusson, Fournier, Hall, Hincks, Holmes, Jobin, Johnson, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, Mongenais, Price, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Stevenson, Taché, Thompson, Watts, Wetenhall, and Wilson.--(37.)

NAYS.

Messieurs Attorney General Baldwin, Beaubien, Solicitor General Blake, Cartier, Chabot, Chauveau, Egan, Fortier, Fourquin, Guillet, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Marquis, Méthot, Morrison, Scott of TWO MOUNTAINS, and Viger.--(19.)

So it was resolved in the Affirmative.

Agriculture  
Act (L.C.)

Resolved, That a Select Committee composed of Mr. Watts, the Honorable Mr. Cameron, of Kent, Mr. Davignon, Mr. Taché, and Mr. Armstrong, be appointed to consider the expediency of continuing and amending the Act for the encouragement of Agriculture in Lower Canada, to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Bill to amend  
the Law of  
Libel.

Ordered, That Mr. Morrison have leave to bring in a Bill to amend the Law of Libel.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Winter Roads  
(No. 2, L.  
C.,) Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to repeal two certain Ordinances therein mentioned, relating to Winter Roads in that part of the Province of Canada heretofore Lower Canada, in so far as regards the District of Quebec, the District of Gaspé, and the District of Three Rivers, with the exception of that part of the County of Drummond within the District of Three Rivers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Writs of  
Election.

The Honorable Mr. Boulton moved, seconded by Mr. Fergusson, and the Question being put, That leave be given to bring in a Bill to authorize the issuing of Writs of Election to certain Constituencies in this Province to return additional Members to Parliament;<sup>19</sup>

MR. AT. GEN. LAFONTAINE doubted whether the motion was in order, as there was already a question of a similar nature before Parliament.<sup>20</sup>

MR. H. SHERWOOD (Toronto) called on the Government to assume the responsibility of this measure if they approved of it, otherwise to oppose it. It was a measure of too much importance to be introduced by a private member.<sup>21</sup>

MR. BOULTON said he was perfectly convinced that his motion was in order, and he had a right to expect the same courtesy as was shown to a member of the Government.<sup>22</sup>

MR. MORIN gave it as his opinion that the motion was in order, and that it was competent for a member to introduce any bill, provided the principle had not been already negative during the session.<sup>23</sup>

MESSRS. AT. GEN. LAFONTAINE and CHABOT ((spoke)) in opposition to the Bill as we understood.<sup>24</sup>

MR. AT. GEN. BALDWIN said that as the opposition to the hon. gentleman's motion appeared to be general, he hoped that it would be withdrawn.<sup>25</sup>

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*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Boulton of NORFOLK, Cameron of KENT, Fergusson, Lemieux, MacDonald of GLENGARRY, Richards, Sauvageau, and Wetenhall.--(8.)*

NAYS.

*Messieurs Attorney General Baldwin, Beaubien, Bell, Boulton of TORONTO, Bouthillier, Cartier, Chabot, Christie, Crysler, Davignon, DeWitt, Duchesnay, Fortier, Fourquin, Guillet, Hall, Hincks, Holmes, Johnson, Attorney General LaFontaine, Laurin, Sir Allan N. MacNab, Malloch, Marquis, M'Connell, Merritt, Méthot, Mongenais, Morrison, Price, Robinson, Scott of TWO MOUNTAINS, Sherwood of BROCKVILLE, Sherwood of TORONTO, Thompson, Viger, Watts, and Wilson.--(38.)*

*So it passed in the Negative.*

*On motion of the Honorable Mr. Sherwood, seconded by Mr. Boulton, of Toronto,*

Religious Denominations.

Resolved, That an humble Address be presented to

*His Excellency the Governor General, praying him to cause to be laid before this House, by the proper Officer, copies of all applications which have been made to the Executive Government by Religious Denominations other than those which have been provided for by name in the Act for the settlement of the Clergy Reserves, as well as all correspondence which has taken place having reference to this subject.*

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

*On motion of Mr. Scott, of Two Mountains, seconded by Mr. Morrison,*

Weights and Measures (L.C.) Act.

Resolved, That this House do now resolve itself into a Committee, to take into consideration the expediency of amending the Act 39 Geo. 3 c.7, concerning the inspection of Weights and Measures

*in Lower Canada.*

*The House accordingly resolved itself into the said Committee.*

Mr. Boulton, of Toronto, took the Chair of the Committee; and after some time spent therein,

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Mr. Speaker resumed the Chair;

And Mr. Boulton, of Toronto, reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That it is expedient to amend the Act 39 Geo. 3, c.7, and to substitute other and more efficient means than now provided for the inspection of Weights and Measures in Lower Canada.

The said Resolution, being read a second time, was agreed to.

Weights and Measures  
(L.C.) Bill.

Ordered, That Mr. Scott, of Two Mountains, have leave to bring in a Bill to amend the Law relative to the inspection of Weights and Measures in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Upper and Lower Canada Division Line Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill to define the Division Line between Upper and Lower Canada.

He accordingly presented the said Bill to the House,<sup>26</sup>

MR. COM. CR. LANDS PRICE brought in a bill to define the line of division between Upper and Lower Canada. The division line had never yet been settled by law; but surveys had now been made under the direction of the Government, and the line properly defined. Of course the interests of those through which property the line passed would be protected.<sup>27</sup>

MR. J.S. MACDONALD (Glengarry) reminded the Ministry that there were vested rights involved in this question. There was a number of persons who had been hitherto residents in Upper Canada, and who were accustomed to the Municipal and Legal customs of the County of Glengarry, who would, if the line proposed by this bill was established, be brought within the line of Lower Canada amongst those with whose laws and customs they were unacquainted and unaccustomed to, although they lived with them on the best terms. He hoped, as the Ministry had taken charge of the measure, that they would see that the interests of these people were attended to.<sup>28</sup>

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and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. Beaubien, seconded by Mr. Holmes,

Missisquoi Railroad Bill.

Resolved, That the 66th Rule of this House be suspended in so far as regards the Petition of P.P. Russell and others, inhabitants of the District of Montreal.

Ordered, That Mr. Beaubien have leave to bring in a Bill for the incorporation of a Company to establish a Line of Railroad between Montreal and Missisquoi.



He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Inland Bills of Exchange and Promissory Notes Bill.

Ordered, That Mr. Laurin be added to the Select Committee to which is referred the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the Protesting thereof.

Sheriff, Crier and Tipstaff of Montreal.

Ordered, That Mr. Bouthillier be added to the Select Committee to which are referred the Returns to Addresses to His Excellency the Governor General, praying for Statements of the income derived by the Sheriff of the District of Montreal, and by the Crier and Tipstaff of the Court of Queen's Bench for the said District, for the last five years.

Limited Partnerships (U.C.) Bill.

Mr. Dumas reported the Bill to authorize limited Partnerships in Upper Canada; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Bill requiring Mortgages to be Filed.

Mr. Seymour reported the Bill requiring Mortgages of personal property in Upper Canada to be filed; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Ontario Marine and Fire Insurance Company Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Ontario Marine and Fire Insurance Company, being read;

The House accordingly resolved itself into the said Committee.

Mr. Lyon took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lyon reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Warehousemen's Punishment Bill.

The Order of the day for the House in Committee on the Bill for the punishment of Warehousemen and others giving false receipts for Merchandise, and of persons receiving advances upon Goods, and afterwards fraudulently disposing of the same, being read;

The House accordingly resolved itself into the said Committee.

Mr. Jobin took the Chair of the Committee;

After one or two clauses had been adopted, DR. DAVIGNON moved that the Committee do rise, and report progress, as the bill had been amended so as to apply to Lower Canada as well as to Upper Canada, and the amendment had not been printed in French and distributed amongst members. ((There followed)) a good deal of squabbling<sup>29</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Jobin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Jobin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Joint Stock  
Road Compa-  
nies (U.C.)  
Bill.

The Order of the day for the House in Committee on the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, being read;

The House accordingly resolved itself into the said Committee.

Mr. Wilson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Wilson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Monday next; and that it be then the first Order of the day.

First Report  
of Committee  
on Library.

The Order of the day for the House in Committee on the First Report of the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, being read;

The House accordingly resolved itself into the said Committee.

Mr. Duchesnay took the Chair of the Committee;<sup>30</sup>

DR. DAVIGNON did not see that it was necessary to have the introduction of two members for admission to the Library, he thought one sufficient.<sup>31</sup>

MR. CHRISTIE objected to responsibility being taken out of the hands of the Clerk, as was the custom, and placed in the hands of the Librarian. He thought they were called upon to decide in too great haste, and that the report being of importance, it ought to be printed.<sup>32</sup>

DR. DAVIGNON ((moved that)) the report ... be printed<sup>33</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Duchesnay reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Monday next.

Ordered, That the First Report of the Standing Committee appointed to assist Mr. Speaker in the direction of the Library, be printed for the use of the Members of this House.

Les Soeurs de  
la Charité de  
Bytown Bill.

The Order of the day for the second reading of the Bill to incorporate Les Soeurs de la Charité of Bytown, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Montague  
Boundary  
Line Bill.

The Order of the day for the second reading of the Bill to repeal the Act defining the boundary line between the Townships of Montague and North Elmsley, being read;

The Bill was accordingly read a second time, and ordered to be engrossed.

Frivolous Op-  
positions Bill.

The Order of the day for the second reading of the Bill for preventing frivolous and vexatious Oppositions to the seizure of moveables or of immoveables, and

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for better ensuring the execution of Judgments of the Courts of Law in Lower Canada, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Queenston  
Suspension  
Bridge Com-  
pany Bill.

The Order of the day for the second reading of the Bill to incorporate "The Queenston Suspension Bridge Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge

Bills.

Militia Muster  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to alter the day on which the Militia shall annually assemble for muster and discipline in Upper

Canada, being read;<sup>34</sup>

MR. J.S. MACDONALD (Glengarry) moved the second reading of a bill, the object of which was to alter the day for the annual muster of the Militia in Upper Canada, as the 29th of June, the day at which it is now fixed, is a religious holiday, to some of Her Majesty's subjects,--the Roman Catholics,--who had petitioned the House for the alteration to any other day the House saw fit.<sup>35</sup>

MR. THOMPSON objected to the bill as recognising the necessity for an annual muster of Militia.<sup>36</sup> The muster ought to be dispensed with altogether; it involved an expense of £50 or £60,000 a year to the country; it was of no use, and brought a lot of people together, to waste their time and learn nothing. Young officers amused themselves by swinging their swords. If the occasion really required that they should be called out, they would learn more in one week than in years under the present mode.<sup>37</sup>

MR. W. BOULTON (Toronto) hoped that, as the bill was of so much importance to the Roman Catholics, the hon. member would make it apply to Lower as well as to Upper Canada.<sup>38</sup>

MR. NOTMAN would move at the proper time, as an amendment, that the day on which the Militia shall be assembled, shall be fixed by His Excellency the Governor General and made known by proclamation<sup>39</sup> in the Canadian Gazette<sup>40</sup> not less than two months before.<sup>41</sup>

MR. J. SCOTT (Bytown) said it was his intention to add a clause, that there be no muster whatever.<sup>42</sup>



MR. H. BOULTON (Norfolk) could not see what objection the Roman Catholics of Upper Canada could have to meet on the 29th of June, as the Roman Catholics of Lower Canada had none. He did not believe there could be any discrepancy on this point between the opinions of the Bishops of Upper Canada and the Bishops of Lower Canada. He thought his hon. friend from Glengarry must be mistaken.<sup>43</sup>

MR. J.S. MACDONALD (Glengarry) only knew that the petition had been sent to him by the Roman Catholic Bishop of Kingston, with a request that he should introduce a bill of this nature. If he (Mr. MacDonald) was mistaken, the Bishop was mistaken. (Hear, hear.)<sup>44</sup>

MR. RICHARDS explained that the mustering in Lower Canada took place after morning service,--after mass,--and the majority of the Roman Catholics saw no impropriety in assembling then; but in Upper Canada the muster took place early in the forenoon.<sup>45</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

*Resolved, That this House will immediately resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee.  
Mr. Richards took the Chair of the Committee;*

SIR A. MACNAB wished to have the day for Militia muster fixed for the anniversary of the battle of Queenston, or else that of Stoney Creek, which would, perhaps, answer better, as it was the sixth of June. His hon. friend the member for Lincoln, did good service in the last named action,--in fact one would scarcely believe now-a-day what a fighting fellow he was then.<sup>46</sup>

MR. NOTMAN moved, in amendment, that the day for muster should be fixed by the Executive, in all cases giving two months notice previous.<sup>47</sup>

MR. J.S. MACDONALD (Glengarry) held that it was necessary to have yearly musters.<sup>48</sup>

MR. PRES. EX. COUN. MERRITT hoped the hon. member would not press his motion. The Council had not time to fix the day each year. It would be a great expense to advertise it in the Gazette, and nothing would be gained by it, for the law could not be evaded.<sup>49</sup>

MR. THOMPSON wished only to put a stop to this, the militia calling together once a year, at such an immense expense to the country.<sup>50</sup> The present system caused a loss of £50,000 annually, by the mere waste of time, besides the muster did not do the slightest good, as nothing was learned at it, and the people wasted the time generally in drunkenness and rioting.<sup>51</sup>

MR. NOTMAN would tell hon. members why he proposed the amendment. He was as fond of soldering(sic) as any one, but he differed with hon. gentlemen in their mode of settling about it. He preferred the voluntary system, because he always thought that volunteers made the best and most effective soldiers. For his part he could not see any use in getting a number of men together to answer their names, and then go and make fools of themselves.<sup>52</sup>

MR. J.S. MACDONALD (Glengarry) said that the hon. gentleman should not

suppose all the Militia-men in the Province spent the day in drunkenness and rioting. In his (Mr. McDonald's) district the people turned out in obedience to the law, and after performing what the law required, returned peaceably to their homes. He hoped the motion would be received.<sup>53</sup>

MR. PRES. EX. COUN. MERRITT appealed to the good sense of his hon. friend, and trusted he would withdraw his motion.<sup>54</sup>

MR. G. SHERWOOD (Brockville) supported the amendment, as he thought<sup>55</sup> it was unnecessary to have the militia called together once a year, for the sake of young colonels showing off their handsome uniforms. It sometimes led to disgraceful scenes.<sup>56</sup> The whole object would be attained by giving the Governor in Council power to summon the Militia, whenever it was deemed advisable.<sup>57</sup>

SIR A. MACNAB hoped the motion would not prevail. He thought that this was a serious matter<sup>58</sup>. The Government ought to know what was the force of the militia<sup>59</sup>. He thought there must be some organization, however, trifling of the Militia in the Province. He regarded the Militia as an army of men without their accoutrements or fire arms, scattered all over the country, but ready to be called into service whenever it was necessary. But how could that be the case, if the men never saw their officers, or the officers their men, or knew their beats? He believed even our Republican neighbours found it necessary to call out their Militia once a year or oftener, and their Militia were certainly in much better fighting order than ours. He would not desire to cause any unnecessary trouble to the people, but he thought that every good and loyal subject of the Queen would have no objection to devote one day of the year for the purpose of keeping up a good Militia force for the defence of the country. (Hear, hear.) He (Sir Allan) had perhaps attended as many Militia trainings as the hon. member for Middlesex, but he had never seen any drunkenness or disorderliness.<sup>60</sup> He thought the militia was at present reduced to as low an ebb as possible. The officers should know their men and their beat; knowing this they could at any time call them out.<sup>61</sup>

MR. THOMPSON was of opinion that the militia should remain organized under law as they were.<sup>62</sup>

SIR A. MACNAB again rose to know if the Government intended any such alteration, as this to be made<sup>63</sup>, without any notice being given.<sup>64</sup>

MR. PRES. EX. COUN. MERRITT said not.<sup>65</sup>

SIR A. MACNAB.--He (Sir A.) thought it curious that it should emanate from hon. gentlemen constantly in the habit of supporting the Government.<sup>66</sup> With regard to the change in the day, all he could say was that if the 29th of June was a day held sacred by the Catholics of U.C. and it was distasteful to them to turn out and parade on that day, he (Sir Allan) would have no objection to alter the day. This bill was for the purpose of altering the day; but he thought that a measure like that proposed by the hon. member for Middlesex to prevent the militia coming out unless the Governor General thought fit to call them out, ought not to be brought forward unless with the consent of the Government. (Hear, hear.)<sup>67</sup>

The amendment was then put and lost.<sup>68</sup>

MR. THOMPSON then moved that the chairman do now rise and report pro-

gress.<sup>69</sup>

The motion after a few remarks from SIR A. MACNAB, was negatived, and the 28th of June fixed upon as the day for holding the militia muster.<sup>70</sup>

((There were)) a few words from MR. THOMPSON and MR. AT. GEN. BALDWIN, which we were unable to catch from the noise which prevailed in the House<sup>71</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Richards reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Clergymen's  
Returns Bill.

Mr. Richards moved, seconded by Mr. Wilson, and the Question being put, That the Order of the day for the second reading of the Bill to substitute Yearly Returns for the Quarterly Returns required of Clergymen and others, by the sixteenth section of the Census Act, be now read;

The House divided:

Yeas, 25.

Nays, 14.

So it was resolved in the Affirmative.

And the Order of the day being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Printing.

The Order of the day for the House in Committee on the Second Report of the Standing Committee on the Second Report of the Standing Committee on Printing, being read;

The House accordingly resolved itself into the said Committee.

Mr. Malloch took the Chair of the Committee;<sup>72</sup>

MR. INSP. GEN. HINCKS dit que MM. Campbell et Perrault ont offert les conditions les plus avantageuses pour l'impression des journaux et des appendices, que MM. Lovell et Gobson ont offert les plus avantageuses pour les impressions de la session, que M. Miller a offert les plus avantageuses pour la reliure anglaise et M. Lamothe pour la reliure française, et que le comité a conséquemment fait rapport en leur faveur.<sup>73</sup>

SIR A. MACNAB propose en amendement que les impressions de la session soient données comme autrefois.<sup>74</sup>

Cet amendement est perdu sur division.<sup>75</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Malloch reported, That the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That the Tender for Printing of Mr. Rollo Campbell for the English, and of Mr. Louis Perrault for the French "Journals and Appendix,"



and of Messrs. Lovell and Gibson for the "Sessional," (they being the lowest,) be accepted; that the Tender for Binding of Mr. Lamothe for the French Journal and Appendix, and of Messrs. R. & A. Miller for the English, be also accepted; and that written Contracts be entered into, by the several parties giving good and sufficient security for the fulfilment of the same.

2. Resolved, That the form in which the Bills are printed should contain double the quantity of matter, or nearly so, on the page, and that the type used should be Pica.

3. Resolved, That in future no Bills be printed in both languages having reference exclusively to Upper Canada, and that such Bills be printed in English alone, with French marginal notes, unless otherwise required by any one Member of the House.

4. Resolved, That no work be paid for at the rate of Sessional Printing, which is not delivered to the House during the Session; and that any work not so delivered, shall be paid for at the rate allowed for the Printing of the Journals and Appendix.

5. Resolved, That the Contractors for the Sessional Printing shall be entitled to perform such work as is delivered to them during the Session; and that no portion of the work intended to form part of the Appendix shall be so delivered, unless it appears to the Clerk of the House that it can be executed during the Session.

6. Resolved, That in case extra copies of any portion of the Appendix, which cannot be delivered during the Session, be required, the same shall be furnished by the Contractors for the Appendix at their contract price.

7. Resolved, That the Printing of the Journals should forthwith commence and proceed with every possible despatch, in order that they may be completed, and in the hands of Members, immediately after the close of the Session.

The first, second, and third Resolutions, being read a second time, were agreed to.

The fourth Resolution being read a second time, and the Question being proposed, That this House doth agree with the Committee in the said Resolution;

Mr. Christie moved in amendment to the Question, seconded by Mr. Duchesnay, That all the words after "That" be left out, and the following words added instead thereof: "the said Resolution be re-committed to a Committee of the whole House, to consider the expediency of inserting after the first word "work" the words "after the present, nor at any future Session."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Boulton of TORONTO, Cayley, Chauveau, Christie, Cryslar, Duchesnay, Dumas, Egan, Fournier, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Sherwood of TORONTO, Stevenson, Taché, and Wilson.--(19.)

NAYS.

Messieurs Attorney General Baldwin, Beaubien, Solicitor General Blake, Bouthillier, Burritt, Cameron of KENT, Cartier, Chabot, Davignon, DeWitt, Hall, Hincks, Holmes, Laurin, Lemieux, Macdonald of GLENGARRY, M'Connell, M'Farland, Mongenais, Morrison, Nelson, Notman, Price, Richards, Smith of

WENTWORTH, Thompson, Viger, and Wetenhall.--(28.)

So it passed in the Negative.

Then the main Question being put;

Resolved, That this House doth agree with the Committee in the said Resolution.

The fifth Resolution being read a second time, and the Question being proposed, That this House doth agree with the Committee in the said Resolution,

Sir Allan N. MacNab moved in amendment to the Question, seconded by the Honorable Mr. Cayley, That all the words after "That" be left out, and the following words added instead thereof: "the said Resolution be re-committed to a Committee of the whole House, with the view of leaving out all the words after "perform," and adding the words "all the work ordered during the Session, such work to be paid for at the rate allowed for the printing

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of the Journals and Appendix" instead thereof."

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

Then the main Question being put;

Resolved, That this House doth agree with the Committee in the said Resolution.

Then the subsequent Resolutions, being read a second time, were agreed to.

Montreal and  
Troy Tele-  
graph Bill.

Mr. Holmes moved, seconded by Mr. Richards, and the Question being put, That the Order of the day for the House in Committee on the Bill to incorporate the Montreal and Troy Telegraph Company, be now read;

The House divided:--And it passed in the Negative.

Orders  
deferred.

The Honorable Mr. Attorney General Baldwin moved, seconded by Mr. Notman, and the Question being put, That the remaining Orders of the day be postponed

until to-morrow;

The House divided:--And it was resolved in the Affirmative.

Then, on motion of Mr. Christie, seconded by Mr. Malloch,  
The House adjourned.

APPENDIX: 29 MARCH 1849.

((NOTICE OF MOTION RE: KING'S COLLEGE.))<sup>76</sup>

MR. AT. GEN. BALDWIN gave notice that he would, on Tuesday next, move for leave to bring in a bill to amend the charter of the University of King's College, and for other purposes connected with that institution.<sup>77</sup>

((QUESTION AND ANSWER RE: PENITENTIARY COMMISSION.))<sup>78</sup>

MR. CHRISTIE inquired whether the Penitentiary Commission was at an end? and whether the gentlemen comprising it were in the actual receipt of eight dollars a day?<sup>79</sup>

MR. AT. GEN. BALDWIN replied that the Commissioners had made one report, and that a second report would be made in a few days.<sup>80</sup>

MR. CHRISTIE asked if they were still in the receipt of eight dollars a day?<sup>81</sup>

MR. AT. GEN. BALDWIN could not answer that question.<sup>82</sup>



FOOTNOTES: 29 MARCH 1849.

1. PILOT, 30 March 1849, noted: "Nothing of any great moment occurred in the House last night." LA MINERVE, 2 April 1849, noted "Les débats dans la chambre d'assemblée ont été complètement dépourvus d'intérêt."
2. The debate on this motion was reported by: MONTREAL GAZETTE, 30 March 1849, and GLOBE, 11 April 1849, in identical accounts; and PILOT, 30 March 1849, and BRITISH COLONIST, 10 April 1849, in identical accounts. LA MINERVE, 2 April 1849, noted the debate.
3. MONTREAL GAZETTE, 30 March 1849.
4. PILOT, 30 March 1849.
5. MONTREAL GAZETTE, 30 March 1849.
6. PILOT, 30 March 1849.
7. MONTREAL GAZETTE, 30 March 1849.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. PILOT, 30 March 1849.
14. IBID.
15. IBID.
16. MONTREAL GAZETTE, 30 March 1849.
17. IBID.
18. PILOT, 30 March 1849.
19. The debate of this motion was reported by: MONTREAL GAZETTE, 30 March 1849; and PILOT, 30 March 1849, and BRITISH COLONIST, 10 April 1849, in identical accounts. LA MINERVE, 2 April 1849, and BROCKVILLE RECORDER, 5 April 1849, noted the debate. A commentary appeared in PILOT, 30 March 1849.
20. PILOT, 30 March 1849.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. This matter was reported by: PILOT, 30 March 1849, and BRITISH COLONIST, 10 April 1849, in identical accounts.
27. PILOT, 30 March 1849.
28. IBID.
29. IBID.
30. This matter was reported by: MONTREAL GAZETTE, 30 March 1849, and GLOBE, 11 April 1849, in identical accounts.
31. MONTREAL GAZETTE, 30 March 1849.
32. IBID.
33. IBID.
34. The debate on this matter was reported by: MONTREAL GAZETTE, 30 March 1849, and GLOBE, 11 April 1849, in identical accounts; and PILOT, 30 March 1849, BROCKVILLE RECORDER, 5 April 1849, and BRITISH COLONIST, 10 April 1849, in identical accounts. LA MINERVE, 2 April 1849, and BROCKVILLE RECORDER, 5 April 1849, noted the debate. A commentary appeared in PILOT, 30 March 1849.

35. PILOT, 30 March 1849.
36. IBID.
37. MONTREAL GAZETTE, 30 March 1849.
38. PILOT, 30 March 1849.
39. IBID.
40. MONTREAL GAZETTE, 30 March 1849.
41. PILOT, 30 March 1849.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. MONTREAL GAZETTE, 30 March 1849.
49. IBID.
50. IBID.
51. PILOT, 30 March 1849.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. MONTREAL GAZETTE, 30 March 1849.
57. PILOT, 30 March 1849.
58. IBID.
59. MONTREAL GAZETTE, 30 March 1849.
60. PILOT, 30 March 1849.
61. MONTREAL GAZETTE, 30 March 1849.
62. IBID.
63. PILOT, 30 March 1849.
64. MONTREAL GAZETTE, 30 March 1849.
65. IBID.
66. IBID.
67. PILOT, 30 March 1849.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. This matter was reported by: LA MINERVE, 2 April 1849, PILOT, 30 March 1849, and BROCKVILLE RECORDER, 5 April 1849.
73. LA MINERVE, 2 April 1849.
74. IBID.
75. IBID.
76. This notice was reported by: MONTREAL GAZETTE, 30 March 1849, and GLOBE, 11 April 1849, in identical accounts; PILOT, 30 March 1849; PILOT, 30 March 1849, and BROCKVILLE RECORDER, 10 April 1849, in identical accounts; and LA MINERVE, 2 April 1849.
77. PILOT, 30 March 1849.
78. This matter was reported by: LA MINERVE, 2 April 1849; and PILOT, 30 March 1849, and BROCKVILLE RECORDER, 10 April 1849, in identical accounts.
79. PILOT, 30 March 1849.
80. IBID.

81. IBID.

82. IBID.



FRIDAY, 30 MARCH 1849.

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Distribution of  
the Statutes.

MR. SPEAKER laid before the House, a Statement of the Distribution of the Statutes of Canada, in Upper and Lower Canada, as required by Act 8 Vic.

c. 68.

Appendix  
(C.C.C.C.)

For the said Statement, see Appendix (C.C.C.C.)

Petitions  
brought up.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Viger,--The Petition of the Reverend M. Brunet and others, of the Parish of St. Janvier de Blainville, District of Montreal.

By Mr. Mongenais,--The Petition of J. A. Mathison and others, on behalf of a General Meeting of the Inhabitants of the County of Vaudreuil (Seigniorial Tenure.)

By the Honorable Mr. Merritt,--The Petition of Jacob Kennedy and others, of the District of Niagara; and the Petition of Jacob Ker and others, of the District of Niagara.

By Mr. Chabot,--The Petition of E. A. Dubois, of the City of Montreal, Esquire.

By Mr. Lemieux,--The Petition of the Reverend J. Auclair and others, of the Parish of Ste. Marie de la Nouvelle Beauce, County of Dorchester.

By Mr. Christie,--The Petition of John G. Thompson, President of the Agricultural Society No. 1, County of Bonaventure; the Petition of the Mayor and Corporation of the Municipality, second division, County of Bonaventure; and the Petition of the Mayor and Corporation of the Municipal Division No. 1, County of Bonaventure.

By Mr. Chauveau,--The Petition of the Honorable Louis Panet and others, the President, Officers, and Members of the Managing Committee of the Saint Jean Baptiste Society of Quebec.

By Mr. Jobin,--The Petition of the Reverend C. Aubry and others, of the Parish of St. Joseph de la Rivière des Prairies.

Militia Meeting  
(U.C.) Bill.

An engrossed Bill to alter the day on which the Militia shall annually assemble for muster and discipline in Upper Canada, was read the third

time.

Resolved, That the Bill do pass.

Ordered, That Mr. Macdonald, of Glengarry, do carry the Bill to the Legislative Council, and desire their concurrence.

Montague  
Boundary  
Line Bill.

An engrossed Bill to repeal the Act defining the boundary line between the Townships of Montague and North Elmsley, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to repeal the Act defining the boundary line between the fourth Concessions of

the Townships of Montague and North Elmsley."

Ordered, That Mr. Bell do carry the Bill to the Legislative Council, and desire their concurrence.

Warehousemen's  
Punishment Bill.

An engrossed Bill for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances upon Goods and afterwards fraudulently disposing of the same, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Clergymen's  
Return Bill.

An engrossed Bill to substitute Yearly Returns for the Quarterly Returns required of Clergymen and others by the sixteenth section of the Census Act, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Richards do carry the Bill to the Legislative Council, and desire their concurrence.

Bill requiring  
Mortgages to be  
Filed.

An engrossed Bill requiring Mortgages of personal property in Upper Canada to be filed, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

Limited Part-  
nerships  
(U.C.) Bill.

An engrossed Bill to authorize limited Partnerships in Upper Canada, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of James Walker and others, of the Township of Nichol; praying that the Pilkington Tract may not be annexed to the said Township.

Of L. Bourassa and others, of St. Martin, Isle Jésus; praying for the repeal of the Law regulating the granting of Tavern Licences, and for the enactment of other provisions in lieu thereof, for the suppression of Intemperance.

Of the City Council of the City of Hamilton; praying for certain amendments to the Municipal Council Bill.

Petition of City  
Council of Hamil-  
ton committed.

Ordered, That the Petition of the City Council of the City of Hamilton (Municipal Bill), be referred to the Committee of the whole House on the Bill to provide by one general Law, for the

erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

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Gore Bank Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank," with several Amendments; to which they desire the concurrence of this House: And also,

Commercial  
Bank New  
Stock Bill.

The Legislative Council have passed a Bill, intituled, "An Act further to extend the time for paying up the new Stock of the Commercial Bank of the Midland District;" to which they desire the

concurrence of this House.

And then he withdrew.

Report on  
Petition of  
J.B. Warren  
and others.

Mr. Macdonald, of Glengarry, from the Select Committee to which was referred the Petition of John B. Warren and others, of Whitby and other Townships in the Home District, and another reference, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have considered the Petition referred to them with all the care which its importance demands; and whether they regard the great extent of the Home District, its extent of population, or its wealth, Your Committee cannot doubt that the convenience of its inhabitants must, ere long, compel its division in the manner contemplated by the Petition referred to them by Your Honorable House. Your Committee are not insensible to the inconveniences and losses attendant upon the undue formation of Districts, but having regard to the course of legislation in Upper Canada, and specially to the Act introduced during the present Session for altering the territorial Divisions of the Province, Your Committee feel constrained to report, that the people inhabiting the Townships mentioned in the Petition in question have a just right to claim from the Legislature the formation of a new District, as asked by the prayer of their Petition.

Those Townships contain a population of nearly 24,000 souls, and their annual revenue for general purposes, arising from an assessment of but one penny in the pound, is said to amount to £1700.

Your Committee believe that Districts have been set off in numerous instances within the last twelve years, with a population very much smaller than that of the Townships from which the Petition emanates, whilst the available funds of the latter would be more than double the income enjoyed by several of those Districts at the period of their separations, and would at the present moment much exceed the revenue of some of those Districts after ten years of separate existence.

Your Committee have not overlooked the fact, that objections to this Petition have emanated as well from persons resident within the locality to



be more immediately affected by the contemplated measure, as also from some of the inhabitants in other portions of the Home District. In reference to the former class of persons, Your Committee were prepared to find a certain amount of opposition arising within the locality, as Your Committee believe has been the case with respect to every District heretofore set off. The formation of a new District, involving as it does the selection of a County Town, affects personal interests so materially, that it would be chimerical to hope that such a measure could be accomplished without encountering some amount of opposition.

Your Committee are far from attributing any improper motive to the persons who have felt it to be their duty to oppose the measure. Those persons conceive, no doubt, that the formation of the contemplated District would be injurious to the general interest of the locality, and they not only have a right, but are bound to express their dissent. Your Committee only mean to convey to Your Honorable House, that the prayer of the Petition from its very nature, is such as necessarily to give rise to some opposition, and having reference to the numerous signatures appended to the Petition referred to Your Committee, and the comparatively small number of persons who have objected to the concession claimed by the Petition. Your Committee conceive that the opposition is less than might have been expected, and that the formation of the new District is desired by a vast majority of those interested.

With respect to opposition coming from other portions of the District, Your Committee have felt no surprise that opposition should emanate from persons who reside in the neighbourhood of the present District Town, and enjoy all the benefit arising from the centralization there of the commerce and multifarious business of an extensive and wealthy country, whilst they are exempt from the daily losses and inconveniences experienced by those whose unreasonable distance from the metropolis is felt to be a most burdensome tax paid upon every transaction in which they may be engaged throughout the whole circle of their business; a tax imposed for the purpose of maintaining a system of centralization, which not only does not contribute to their well-being, but is diametrically opposed to it. Your Committee conceive that such opposition, however natural, should not have much weight with Your Honorable House.

In a country becoming peopled so rapidly as Canada, changes, such as that prayed for by the Petition, must from time to time be made. The Petitioners are usually well qualified to judge whether the present District division is, or is not calculated to promote their own well-being; and as they must be admitted to be well qualified to form the soundest opinion on this subject, so are they well entitled to have that opinion respectfully attended to by the Legislature, provided the number and wealth of those Petitioners be such as to warrant the formation of a new District.

Your Committee have not lost sight of the remonstrances against the contemplated division which has proceeded from the District Council of the Home District, and cannot deny that any document emanating from so respectable a body is justly entitled to serious consideration; but Your Committee cannot overlook a fact, that as the individual personal interests of the inhabitants of the Home District resident without the locality to be separated, must be prejudicially affected by the change, and as their decision cannot on that account be entitled to much weight, so upon this

subject the District Council is the very body whose opinion should be received with the utmost jealousy. The gentlemen composing that body are not only exposed to all the prejudice of an ordinary inhabitant, but they are also liable to be drawn aside by other considerations peculiar to their position. Not only will the dignity and importance of their body be materially affected by the division which they deprecate, but moreover, the large revenues now at their disposal would be seriously diminished by the proposed measure. That the Home District Council should remonstrate against a division attended with such consequences, appears to Your Committee not only natural but proper. Possibly, were the Council to pursue any other course, they might be regarded as neglecting their duty to their constituents, whose interests must be prejudicially affected by the separation. But Your Committee do not find in the Petition of the Home District Council any reasoning which could justify Your Honorable House in refusing the prayer of the Petition referred to them and they would deem it unjust that the rights of the Petitioners should be affected at the mere will of any body of men, however respectable, more especially if the interest of such body should be opposed

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to the Petitioners. Your Committee, moreover, cannot overlook the fact that the Home District Council, while declining to sanction the present formation of a new District, did, at its last session, form a Resolution declaring that the Townships now petitioning, ought, when separated, to be indemnified from the funds of the Home District for all such sums as they may contribute towards the completion and improvement of the present District Buildings; thus evincing the opinion of that body, that a separation must take place, and that at no very distant period.

Your Committee, therefore, humbly beg leave to report to Your Honorable House, that the prayer of the Petition referred to them ought to be granted, and that the Townships mentioned in the prayer of that Petition ought to be formed into a separate District, and that the District Town should be the Village of Whitby.

Ordered, That the Report be printed for the use of the Members of this House.

Ste. Anne des  
Monts and  
Cape Chat Mun-  
icipality Bill.

Mr. Christie reported from the Select Committee on the Bill to detach the settlements of Ste. Anne des Monts and Cape Chat from the Municipality of Gaspé, and to erect them into a separate Municipality, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Gore Bank Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act to incorporate the Gore Bank, and to increase the Capital Stock of the said Bank," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 2, line 19. Leave out "no" and insert "every."

Press 2, line 20. Leave out from "for" to "from" and insert "within eighteen months."

Press 2, line 21. After "Act" insert "or within such extended period not exceeding five years from the passing of this Act, as the Governor General in Council may permit."

Press 2, line 22. Leave out "eight" and insert "two."

Press 2, line 23. After "Act" insert "or within such extended period not exceeding eight years from the passing of this Act, as the Governor General in Council may permit."

Press 2, line 34. After "same" insert Clause (A.)

Clause (A.) "And be it enacted that, except as hereinbefore provided, every person subscribing for, or taking any share or shares in the said additional Capital Stock, shall have the same rights and be subject to the liabilities as the original Subscribers and Shareholders in the said Bank."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Thompson do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Cobourg Harbour.

Ordered, That the Return to an Address of this House to His Excellency the Governor General, dated the 15th February last, for copies of Contracts entered into by the Board of Works for completing any Work connected with improving the Cobourg Harbour, and laid before the House on the 27th of February last, be printed for the use of the Members of this House.

Fifth Report of  
Committee on Rail-  
road and Tele-  
graph Line Bills.

Sir Allan N. MacNab, from the Standing Committee on Railroad and Telegraph Line Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Great Western Railroad Company, praying an Act may be passed amending the Charter of said Company, referred to them, and have agreed to recommend the prayer of the said Petition.

Great Western  
Railroad Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to alter and amend the Charter of the Great Western Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of the Honorable Mr. Macdonald, seconded by Sir Allan N. MacNab,

Commercial  
Bank New  
Stock Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act further to extend the time for paying up the new Stock of the Commercial Bank of the Midland District," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Monday next.



Hallowell and  
Sophiasburgh  
Boundary Line  
Bill.

An engrossed Bill to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Stevenson do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. Scott, of Two Mountains, seconded by Mr. Jobin,

Montreal  
Turnpike  
Roads Bill.

Ordered, That the Bill to amend the Acts and Ordinance relative to the Montreal Turnpike Roads, be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Crysler took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Crysler reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be received, on Monday next.

On motion of Mr. Wetenhall, seconded by Mr. Thompson,

Dundas and  
Waterloo Road.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper

Officer to lay before this House, a Return of the Tolls collected on the Macadamized Road between Dundas and Waterloo, specifying the amount collected at each Gate during the years 1846, 1847, and 1848, and stating the amount, if any, in the hands of the Commissioners.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Message from  
His Excellency.

The Honorable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency the Governor

General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

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Halifax Railroad  
and Public Works.

ELGIN AND KINCARDINE.

The Governor General transmits for the information of the Legislative Assembly, copies of Despatches subsequent to those already transmitted on the subject of the Halifax and Quebec Railroad, and Public Works in Canada.

Government House,

Montreal, 30th March 1849.

## Schedule.

1. Earl Grey to the Earl of Elgin, 26th January, 1849. Encloses observations of the Railway Commissioners on Major Robinson's Report.
2. The same to the same, 27th January, 1849. Acknowledges receipt of a Despatch of 4th January, enclosing Tabular Statement of Population and Amount of Rateable Property in Upper Canada.
3. The Earl of Elgin to Earl Grey, 20th December, 1848. With copy of a Letter from the Inspector General to Messrs. Baring and Co. on Financial arrangements.
4. The same to the same, 20th December, 1848. In reply to Lord Grey's Despatch No. 299, transmitting Major Robinson's Report; sends Minute of Executive Council, and Memorandum of the Inspector General on measures for constructing the Railway.
5. The same to the same, 3rd January, 1849. In continuation of above, sends copy of Instructions addressed to the Lieutenant Governor of Nova Scotia and New Brunswick.
6. The same to the same, 4th January, 1849. Population and Value of Property of Upper Canada, from 1825 to 1847.
7. Sir E. Head to Earl Grey, 1st January, 1849. Observations on Major Robinson's final Report, submitted by Mr. Wilkinson of the Crown Land Office, New Brunswick.
8. The same to the same, 6th January, 1849. Minute of Council on receiving the final Report of Major Robinson; and in connexion with the Instructions received from Lord Elgin.
9. The same to the same, 19th January, 1849. With copy of Resolutions of Meeting held at Dorchester, on the subject of the Halifax and Quebec Railway.
10. Sir J. Harvey to Earl Grey, 8th December, 1848. Acknowledging Lord Grey's Despatch of 17th November, transmitting Major Robinson's final Report.

Appendix (N.)

For the said Documents, see Appendix (N.)

Ordered, That the said Message, with the accompanying Documents, be printed for the use of the Members of this House.

County Division  
(U.C.) Bill.

The Order of the day for the second reading of the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolution of such Unions as the increase of wealth and population may require, being read;<sup>1</sup>

MR. AT. GEN. BALDWIN moved the second reading of the bill to abolish the District Divisions of C. W.--The hon. gentleman stated, that the subject of this bill was to enable the inhabitants of the counties in Upper Canada to abolish the present District Divisions, which was the old English division which had followed English organization wherever it had gone. The bill provided machinery for erecting provisional municipalities into Counties, which, after certain proceedings, which would occupy three years, and which might thus be checked by the people at any election of councilors, that might separate the Counties, and erect judicial divisions like the present Districts.<sup>2</sup>

MR. SHERWOOD thought the division could do no good, nor much harm, except to oblige the people to change all their maps. He would advise his hon. friend to continue that part of the bill allowing the separation of Counties, and ... which related to the names of Districts.<sup>3</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Court of Appeals and Criminal Jurisdiction  
(L.C.) Bill.

*The Order of the day for the second reading of the Bill to establish a Court having Jurisdiction in Appeals and Criminal matters for Lower Canada, being read;<sup>4</sup>*

MR. AT. GEN. LAFONTAINE. ... He said that this bill was intended to establish an independent Court of Appeals; but it formed part of a series of three bills intended to reform the system of judicature. He went over the history of the system of judicature which had prevailed since 1830, to the changes which had been effected in 1843, and which had established the Courts as they now existed, except some modification made by the last ministry. At the epoch of those changes, it was proposed by some persons that the Court of Appeals should consist of all the Judges of the Superior Courts, and this principle was adopted, with the exception, that these Judges were not allowed to sit who had already decided the causes brought before it. This had not been found satisfactory, and the question remained whether they should take on the Judges, or whether they should appoint an entirely independent Court of Appeals. He avowed his opinion however, that if the existing law had not worked well, it was partly because the Judges had not done their duty; especially in regard to the rules of practice, which the law directed them to frame, but which had not yet been framed at all. Another very important part of the present plan was the diminution of the number of terms, and the allowing of the return of actions on every day. This, he thought, would have the effect of preventing defences made in bad faith, and merely for the sake of delay. At present, so many actions were returned the first day of term, that it was impossible for the Judge, or the lawyers, occupied in all sorts of matters, to pay proper attention to the real legal points in dispute. But by returning to the old French system, and allowing actions to be brought on every day, and *ex parte* judgments to be rendered, there would be nothing to do in term, but attend to the questions of law in dispute. It was part of the bill to form two new judicial Districts--Ottawa and Saguenay, and there would doubtless be a necessity before many years to form several others. These new Districts would not add to the expense of the Province, however, since the cost of the suits brought from a distance to Montreal, in one term, were often greater than the salary of a Judge. He had heard it objected that this bill would abolish the Court now held in the District of Three Rivers; but that was a mistake. The only points of difference created by the present bill as regarded Three Rivers, was this, that the Judge of that District would hereafter (as we understood) be a circuit Judge instead of a Judge of the Superior Courts, and that his successor would have a diminished salary. But the bill would give the District the new advantage



that it would raise the jurisdiction of the Court there to £50, and would enable almost all the sections in the District to be tried in their court. He held that it was a great inconvenience for the Judges of the Superior Courts to reside at a distance from one another, since that prevented them from deliberating together; for this reason he proposed, that eight Judges who composed the two Superior Courts should reside four in Montreal and four in Quebec and he believed the benefit of this course would greatly overbalance any pressure the public in remoter parts might feel at seeing the Judges among themselves. If this were not so, however, there was no more reason to make an exception in favour of Three Rivers, than of Kamouraska, or any other part of the Province. This principle was essential; it would be impossible to place a resident judge in each locality, without the whole bill falling to the ground. He knew that some of the lawyers of the cities objected to the extension of the jurisdiction of the Circuit Courts to sums of £50; but he thought the time was come to give this advantage to certain places. It existed in Upper Canada, in the United States, and in Lower Canada, in the District of Gaspé. It might make the town lawyers lose somewhat; but he believed this would be balanced by the departure from the cities of a number of young men of talent, who would go and establish themselves in the country. At any rate it was not proper to legislate merely for the bar. He should be happy to make any amendments which might be thought advantageous; but he believed that no one could doubt the necessity of some reform in the present system. If the bill passed the ministry would, next year, endeavour to increase the number of Courts of Quarter Sessions so as to diminish the expense the prosecution now carried on in these Courts.<sup>5</sup>

MR. CHABOT condemned the changeable systems of judicature which had hitherto prevailed in C.E. The ancient Court of Appeals was composed of men who, with one exception, had not the slightest notion of law. The exception was the Chief Justice of Quebec or Montreal, and they each seemed to take pleasure in reversing the judgments of the other. The present constitution of the Court of Appeals was not much better; the Court consisted of two distinct benches, and each of these reversed the judgments, which the other had given to the Court before. It was absolutely necessary to have a Court of Appeals separate from the Courts of première instance, and rather than lose this, he would vote for the two other bills which formed part of the general plan, though he must declare himself, but for this measure, decidedly opposed to them. He had less disposition to vote against these last, however, than he would have had once they had been two months before the public without any protest against them. Nevertheless, he must say he thought the time was come, both to raise the jurisdiction of local Courts, and to appoint resident Judges in remote neighbourhoods. At present, there were places 300 miles from the nearest Court at Quebec, and poor people and women had to come all that distance to town, not only for their suits, but for the purpose of assemblées de Parents, or to close an inventory. He believed, indeed, that it was only by an unjust and illegal act that the present Circuit Judges were made ambulatory instead of resident; for though the word "resident" was not used in the law, it was clearly intended. If the Superior Court Bill was passed, he hoped it would contain a clause to deprive the Judges of their offices, unless they made

a tariff and rules of practice; nothing could be more improper than the manner in which they neglected that duty. He confessed he did not think there had been any complaint arising out of the change of the old French system of sitting daily, for the system of terms. Rather than return to the old system, he would adhere to the terms, but make them more frequent--say to begin the first day of every month. This would do what could be done to prevent suits remaining en délibéré; but there was another reason which was not easily remedied; it was that the Judges would not deliberate. At Quebec they had openly declared from the Bench, that they were on such bad terms that deliberation was impossible. Nor did he approve of the speedy decisions of cases ex parte &c., to be brought about by this bill. On the contrary, he felt sure that the certainty of judgment being rendered the next day, unless a defence were made to an action, would induce debtors to make references only to gain time in the term. The hon. Attorney General to please the good people in the country, had promised them that they should have more Districts and Judges in a few years. He thought they should get them at once, and if the Judges added somewhat to the expenses, the county would gain by it, as the expense of Criminal Courts, at present, was enormous. He had no objection to raise the jurisdiction of the Courts, for a man who was fit to decide a case amounting to £100 could decide the same if £1000 were at stake. He would go farther, and adopt the same system in cities, for there was no reason, if there were a good Court of Appeals, why one Judge should not decide as well as three, especially as it was well known, that often only one Judge took notice of each case. He would also like to have some months of agricultural labour exempted from the sitting of the Courts, such as May, August, and September.<sup>6</sup>

MR. EGAN said that the people in his District had petitioned in vain during the last fifteen years without the slightest attention being paid to their request, whilst on the other shore several new judicial Districts had been formed within a few years. His constituency had a right to expect that their lives and property should be protected ... and as the hon. Attorney Gen. had remarked the expense of bringing witnesses two hundred miles down the river to attend the sittings of the Court of ... himself known the cost in trifling cases amount to £200, whereas if the ... of £8.<sup>7</sup>

MR. BADGLEY did not think the country people should be obliged to come two or three hundred miles to the central Courts of Montreal and Quebec, both on civil and criminal matters. In his opinion the administration of Justice should be carried to the door of the people that required it, instead of making them travel great distances, and go to great expense in order to obtain it. He approved of many portions of the Bill, but he still objected most decidedly to the centralization at Montreal and Quebec that it still sanctioned. He thought the country would not complain, if the Government would issue Debentures, to aid in the erection of Court Houses where they were required--he thought that could be done without imposing a debt on the province, and certainly some step ought to be taken for the want of due administration of justice in the Ottawa District was notoriously a crying evil.<sup>8</sup>

MR. AT. GEN. LAFONTAINE and MR. ARMSTRONG afterwards addressed the House, but in such a low tone, as to be quite inaudible.<sup>9</sup>

((There was)) some further conversation by MESSRS. PAPINEAU and LEMIEUX<sup>10</sup>.

The second reading was carried without division.<sup>11</sup>

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*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Courts of Civil  
Jurisdiction  
(L.C.) Bill.

*The Order of the day for the second reading of the Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada, being read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Gaspé Judi-  
cature Bill.

*The Order of the day for the second reading of the Bill to amend the Law relative to the Administration of Justice in Gaspé, being read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Ontario Marine  
and Fire Insur-  
ance Company  
Bill.

*An engrossed Bill to incorporate the Ontario Marine and Fire Insurance Company, was read the third time.*

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

Public Health  
Bill.

*The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to make provision for the preservation of the Public Health in certain emergencies," being read:<sup>12</sup>*

MR. SOL. GEN. BLAKE moved, that a Bill, from the Legislative Council, for the preservation of Public Health, be read a second time.<sup>13</sup>

MR. CHRISTIE asked, if it were a Bill that would cause any appropriation of the public money. He suggested that it would be better to defer the second reading, as it had not been read by members of the House, nor by Mr. Speaker.<sup>14</sup>

MR. SOL. GEN. BLAKE said, there was nothing in the Bill which would cause any public charge.<sup>15</sup>

MR. CHRISTIE was satisfied, as far as he was concerned, with the word of the Hon. Gentleman, and, perhaps, the House might be so too. The Hon. gentleman was a lawyer, as he understood, of some talent; but Mr. Speaker was generally better known, and, as it was more peculiarly his province, it would be better to defer the second reading.<sup>16</sup>



MR. AT. GEN. BALDWIN thought it better that it should be read now, and thrown out, at the third reading, if objections were made.<sup>17</sup>

SIR A. MACNAB thought they should have time to read the Bill, although he would not say that he had any objection to the principle. It was establishing an improper precedent that he objected to.<sup>18</sup>

MR. H. BOULTON (Norfolk) said, that, with regard to penalties, a greater latitude was allowed in England now to Bills of this description emanating from the House of Lords than formerly, and he (Mr. B.) thought wisely.<sup>19</sup>

MR. SOL. GEN. BLAKE explained that there was nothing in the Bill different from one of Upper Canada, except that it provided that the Governor in Council should appoint one Board of Health; and that this Board of Health should appoint others under the different Municipal authorities.<sup>20</sup>

((There were)) a few more words from different members<sup>21</sup>.

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*The Bill was accordingly read a second time.*

Ordered, That the Bill be read a third time, on Tuesday next.

Customs Management Bill.

*The Order of the day for the second reading of the Bill to amend, and to render permanent as amended, the Act for the management of the Customs, being*

*read;*

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

Resolved, That this House will immediately resolve itself into the said Committee.

*The House accordingly resolved itself into the said Committee.*  
*Mr. Chabot took the Chair of the Committee;*<sup>22</sup>

Some conversation on some of the clauses took place, which was inaudible in the Reporters' box from a buzz of talking in the House; all that we understood was, that Mr. Hincks stated, in answer to an enquiry from Mr. Christie, that the maximum rate of salary given to any Custom House Officer, under the Act, would be £750.<sup>23</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Chabot reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.*

Ordered, That the Report be now received.

*Mr. Chabot reported the Bill accordingly.*

Ordered, That the Bill be engrossed.

No question<sup>24</sup> being left before the Chair for some minutes, ... Ministers and hon. members ... engaged on apparently earnest conversation.<sup>25</sup>

DR. LATERRIERE asked if the Ministry were paralyzed that they could

not go on?<sup>26</sup>

MR. CARTIER suggested that they wanted some medicine--(laughter.)<sup>27</sup>

MR. INSP. GEN. HINCKS said they were not paralyzed yet.<sup>28</sup>

MR. AT. GEN. BALDWIN said some hon. members wanted to go away for the evening, and have the Orders postponed.<sup>29</sup>

SIR A. MACNAB said it was known that the Countess of Elgin was giving a party. Hon. gentlemen wanted to avail themselves of her Ladyship's hospitality, and he (Sir Allan) thought wisely; besides, half the seats in the House were already vacant.<sup>30</sup>

MR. MCCONNELL was not in favor of the adjournment, but for going on with business.<sup>31</sup>

DR. LATERRIERE was also in favor of going on with business. He said that hon. gentlemen who were at home did not care how long they were kept, but how many holidays they had; but it was a different thing for those who were absent from home.<sup>32</sup>

A voice.--The doctor wants his dinner--he's getting hungry--(laughter.)<sup>33</sup>

MR. INSP. GEN. HINCKS said they (the Ministry) had no holidays.--(Hear, hear, and laughter.)<sup>34</sup>

((There were)) a few more words from MR. CHABOT and DR. LATERRIERE.<sup>35</sup>

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Orders  
deferred.

*The Honorable Mr. Attorney General Baldwin moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the remaining Orders of the day be postponed until Tuesday next;*

*The House divided:--And it was resolved in the Affirmative.*

*The Honorable Mr. Attorney General Baldwin moved, seconded by Mr. Richards, and the Question being put, That the House do now adjourn;*

*The House divided:--And it was resolved in the Affirmative.*

*And the House accordingly adjourned till Monday next.*

APPENDIX: 30 MARCH 1849.

((POSTPONEMENT OF TARIFF BILL.))<sup>36</sup>

MR. INSP. GEN. HINCKS, at the request of the member for Huron, postponed the consideration of the new Tariff until next Tuesday.<sup>37</sup>

MR. ROBINSON thought that a longer time should be granted, in order to allow the merchants and people of Upper Canada to express their opinion upon so important a measure.<sup>38</sup>

MR. INSP. GEN. HINCKS said that the views of some of the Boards of Trade in Upper Canada had been already expressed in the newspapers.<sup>39</sup>

MR. ROBINSON.--Yes, but not on the proposed Tariff, which has only been before the House for two or three days.<sup>40</sup>

MR. INSP. GEN. HINCKS could not delay the measure any longer.<sup>41</sup>



FOOTNOTES: 30 MARCH 1849.

1. This matter was reported by: PILOT, 2 April 1849; and MONTREAL GAZETTE, 2 April 1849.
2. PILOT, 2 April 1849.
3. IBID. The ellipsis represents an illegible line.
4. This matter was reported by: PILOT, 2 April 1849; and LA MINERVE, 2 April 1849. LE JOURNAL DE QUEBEC, 5 April 1849, noted the matter.
5. PILOT, 2 April 1849. The ellipsis represents illegible lines.
6. PILOT, 2 April 1849.
7. IBID. The ellipses represent illegible lines.
8. PILOT, 2 April 1849.
9. IBID.
10. IBID.
11. IBID.
12. This matter was reported by: MONTREAL GAZETTE, 2 April 1849, and GLOBE, 11 April 1849, in identical accounts; and PILOT, 2 April 1849.
13. MONTREAL GAZETTE, 2 April 1849.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. This matter was reported by: MONTREAL GAZETTE, 2 April 1849, and GLOBE, 11 April 1849, in identical accounts.
23. MONTREAL GAZETTE, 2 April 1849.
24. This matter was reported by: MONTREAL GAZETTE, 2 April 1849, GLOBE, 11 April 1849, and STANSTEAD JOURNAL, 12 April 1849, in identical accounts. A commentary appeared in PILOT, 2 April 1849.
25. MONTREAL GAZETTE, 2 April 1849.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. This matter was reported by: PILOT, 2 April 1849; LA MINERVE, 2 April 1849; and MONTREAL GAZETTE, 2 April 1849, and GLOBE, 11 April 1849, in identical accounts.
37. MONTREAL GAZETTE, 2 April 1849.
38. IBID.
39. IBID.
40. IBID.
41. IBID.

MONDAY, 2 APRIL 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By the Honorable Mr. Attorney General Baldwin,--  
The Petition of Kenneth Cameron and others, of the Township of Thora, Home  
District.

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By Mr. Lemieux,--The Petition of A.G. Ruel, Esquire, Notary Public, and  
Registrar of the County of Rimouski.

By Mr. Sherwood, of Brockville,--The Petition of John Crawford, Esquire,  
and others, of the Town of Brockville.

By the Honorable Mr. Cameron, of Kent,--The Petition of the Quebec  
Board of Trade (Lumber Bill); and the Petition of the Quebec Board of Trade  
(Bill to encourage Ship-building).

By Mr. Flint,--The Petition of John P. Roblin, Esquire, and others, of  
the Township of Hallowell, District of Prince Edward.

By Mr. Laurin,--The Petition of Messieurs Provan and Anderson and others,  
Merchants, and others, of Quebec, interested in the Deal trade of this  
Province.

By Mr. Holmes,--The Petition of the Mayor, Aldermen and Citizens of the  
City of Montreal, (Amendments to Act of Incorporation); and the Petition of  
the Mayor, Aldermen and Citizens of the City of Montreal (Compensation for  
site of Custom House).

Customs Man-  
agement Bill.

An engrossed Bill to amend, and to render per-  
manent as amended, the Act for the management of the  
Customs, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative  
Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of John M'Kenzie and others, of Dumfries, Flamborough and Beverly, Dis-  
trict of Gore; praying that measures be adopted for the repeal of the Im-  
perial Act for the disposal of the Clergy Reserves,--and also for the aboli-  
tion of Rectories, and that the funds arising therefrom be applied to pur-  
poses of education and general utility.

Of John Crow, of the Town of Chatham, in the Western District; praying  
compensation for the loss of his property destroyed by fire while occupied  
as Barracks by Her Majesty's Troops.

Of J.A. Mathison and others, on behalf of a public meeting of the free-  
holders of the County of Vaudreuil; praying that the jurisdiction of the  
Commissioners' Courts be extended,--that a low and uniform rate of Postage  
be established,--that the Navigation Laws be repealed,--that Tavern Licences  
be suppressed and Temperance promoted,--that the public Roads and Bridges  
be placed under the control of the Municipal Councils,--and that Petit  
Jurors be paid.

Of the Reverend M. Brunet and others, of the Parish of St. Janvier de  
Blainville, District of Montreal; praying that measures be adopted for the

suppression of Intemperance, by the amendment of the Tavern Licence law, or otherwise.

Of J.A. Mathison and others, on behalf of a General Meeting of the Inhabitants of the County of Vaudreuil; praying for the passing of a law to define the reciprocal rights and duties of Seigniors and Censitaires, and for the commutation of Seigniorial Tenure.

Of Jacob Kennedy and others, and of Jacob Ker and others, all of the District of Niagara; praying that a certain portion of the said District be set apart as a new District, to be called "The District of Elgin."

Of E.A. Dubois, of the City of Montreal, Esquire; praying that a Select Committee be appointed to inquire into the merits of the Caloriferous Apparatus as a mode of heating large public buildings.

Of the Reverend J. Auclair and others, of the Parish of Ste. Marie de la Nouvelle Beauce, County of Dorchester, and of the Reverend C. Aubry and others, of the Parish of St. Jospeh de la Rivière des Prairies; praying for the abolition of Tavern Licences, and the substitution of Licences for Temperance Houses, and that certain other measures be adopted for the suppression of Intemperance.

Of John G. Thompson, President of the Agricultural Society No. 1, County of Bonaventure; praying for the establishment of a District Agricultural Society in the District of Gaspé, and for provision therefor.

Of the Mayor and Corporation of the Municipality, (second division,)--and of the Mayor and Corporation of the Municipal Division No. 1,--County of Bonaventure; representing the destitution which prevails in the said Municipalities, in consequence of an unusually short catch of Fish, and the failure of the Grain and Potato crops, and the depression of the Lumber Trade, and praying relief.

Petitions read.

Ordered, That the Petition of the Honorable Louis Panet and others, the President, Officers and Members of the Managing Committee of the Saint Jean Baptiste Society of Quebec, be now read; and that the Rules of this House relating to the reception of Private Petitions be suspended as to the same.

And the said Petition was read; praying for an Act of Incorporation under the name of the "Société Saint Jean Baptiste de la Cité de Québec."

Petition of J.P. Wells and others, referred.

Resolved, That the Petition of James P. Wells and others, Trustees of the Grammar School for the District of Ottawa, be referred to a Select Committee composed of Mr. Johnson, Mr. Egan, Mr. Lyon, Mr. Scott, of Bytown, and Mr. Thompson, to

examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise.

Petition of the Toronto Board of Trade, committed.

Ordered, That the Petition of the Council of the Toronto Board of Trade (Assessment) be referred to the Committee of the whole House on the Bill to establish a more equal and just system of Assessment in the several Townships, Villages,

Towns, and Cities in Upper Canada.

Inland Bills of Exchange and Promissory Notes Bill.

Mr. Holmes reported from the Select Committee on the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, and on the Bill to regulate and make uniform



Protested  
Bills of  
Exchange Bill.

the rates of damages on Protested Bills of Exchange in this Province, That the Committee had gone through the said Bills, and made amendments unto each of them.

On motion of Mr. Holmes, seconded by Mr. Morrison,

Inland Bills of  
Exchange and  
Promissory  
Notes Bill.

Ordered, That the Bill to amend the Laws regulating Inland Bills of Exchange and Promissory Notes, and the protesting thereof, as reported from the Select Committee thereon, be committed to a Committee of the whole House, for Thursday next.

On motion of Mr. Morrison, seconded by Mr. Holmes,

Protested  
Bills of  
Exchange Bill.

Ordered, That the Bill to regulate and make uniform the rates of damages on Protested Bills of Exchange in this Province, as reported from the Select Committee thereon, be committed to a Committee of the whole House, for Thursday next.

Petition of  
C. Cazeau  
and others.

Ordered, That the Petition of Charles Cazeau and others, Cullers, of the District of Quebec, be printed for the use of the Members of this House.

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Leave of  
absence.

Ordered, That Mr. Duchesnay have leave to absent himself from this House, during a fortnight, on urgent business.

Ordered, That the Honorable Mr. Sherwood have leave to absent himself from this House, during a fortnight, on account of the illness of certain members of his family.

Justices of the  
Peace Qualifi-  
cation Bill.

Ordered, That Mr. Cauchon have leave to bring in a Bill to amend an Act passed in the sixth year of Her Majesty's Reign, intituled, "An Act for the qualification of Justices of the Peace."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

MR. METHOT<sup>1</sup> moved that the House go into Committee of the Whole, on the subject of the new Postal arrangements, which would cause the delivery of the mails to be later in some portions of the Province, and prove injurious to its inhabitants.<sup>2</sup>

MR. AT. GEN. BALDWIN hoped the hon. gentleman would alter his motion, so as to refer the question to a special committee. Before an address of that important motion was assented to by the House, some inquiry should be made in order to ascertain whether the continuation of the present arrangement would be advantageous to the public, for it could easily be seen that however desirous we may be to have the mail carried through our own territory, it should, in reality be sent by way of the States, if the latter were the quickest route, and therefore the most advantageous to the public. It was an important fact, therefore, to ascertain which would be the most advantageous route before the House consented to the address proposed by the hon. gentleman. If, after such an investigation, it should appear that

it would be for the public interest to have the mail carried through our own territory, he would be most happy to support it, but he certainly could not vote for the motion at the present moment, when very great doubts existed as to which would be the most advantageous course.<sup>3</sup>

MR. CHABOT said his honorable friend had no objection to amend the motion as the honorable Attorney General West suggested. His wish was to have the mails carried through our territories if it could be done advantageously to the public, rather than have them carried by strangers who would benefit by the revenue derivable from their source.<sup>4</sup>

MR. H. SHERWOOD (Toronto) concurred in the remark of the Attorney General West, that the question was one of too much importance to be taken up without an investigation by a special committee. It should be remembered that the arrangement concluded by the English Government for carrying the Mails through the United States was merely temporary, and that the contract of the Post Office would very shortly be vested in the Provincial authorities, and they could then make any arrangements as would be found most suitable to the public interests.<sup>5</sup>

MR. CAUCHON said that he understood a report had been made by a Mr. Watson, relative to this subject, in which it was stated that at certain seasons, the roads from Halifax to Quebec, were in a very bad condition which rendered them almost impassable. He had good information that these roads were not so bad as had been represented--It was conclusively proved that the mail reached Kingston, even, as quickly by way of the British Provinces, as by way of the United States. The truth was, that the only object of changing the route was to benefit the proprietors of the Canada line of steamers, and enable them by avoiding the present stoppage at Halifax, to compete better with the American lines. This made the change still more disastrous, as it would affect the prosperity of Halifax. He therefore thought that all three Provinces, Canada, New Brunswick, and Nova Scotia, should unite to request the British Government to continue the present arrangement.<sup>6</sup>

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English Mails.

*Resolved, That a Select Committee composed of Mr. Méthot, Mr. Wilson, Mr. Cauchon, Mr. Chabot, the Honorable Mr. Cameron, of Kent, and the Honorable Mr. Robinson, be appointed to enquire whether, with a view to the speed as well as the cheapness of the transport thereof, it would be more convenient to have the English Mails carried, as at present, through the British Provinces, or through the United States of America, to report thereon with all convenient speed; with power to send for persons, papers, and records.*

Saguenay  
Registry Dis-  
tricts Bill.

*Ordered, That the Honorable Mr. Laterrière have leave to bring in a Bill to divide the County of Saguenay into two Districts for the Registration of Deeds.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.*

London Dis-  
trict Divi-  
sion Bill.

*Ordered, That Mr. Notman have leave to bring in a Bill to divide the District of London, in the Province of Canada, and for other purposes therein*

mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the sixteenth instant.

Township  
Land Claim-  
ants (L.C.)  
Bill.

Ordered, That Mr. Fortier have leave to bring in a Bill to compel persons claiming Lands under Patent in the Townships of Lower Canada to register their claims to the same, and to provide for the settlement of such of the said Lands as shall

remain unclaimed after a certain time, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Home District  
New County  
Bill.

Ordered, That Mr. Solicitor General Blake have leave to bring in a Bill to provide for the erection of certain Townships in the Home District into a separate County, and for certain other purposes

relative to such new County.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Farmers' Joint  
Stock Banking  
Company.

Resolved, That a Select Committee composed of the Honorable Mr. Hincks, Mr. Solicitor General Blake, the Honorable Mr. Sherwood, Mr. Holmes, and Mr. Wilson, be appointed to enquire into the position

and management of the Farmers' Joint Stock Banking Company at Toronto, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Marriage Op-  
positions Bill.

Ordered, That Mr. Lemieux have leave to bring in a Bill to abolish Oppositions to Marriages, founded on promises of Marriage.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Bill relating  
to the Enregis-  
tration of cer-  
tain Titles.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Ordinance providing for the enregistration of Titles to immovable property and incumbrances thereon.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

On motion of Mr. Lemieux, seconded by Mr. Chauveau,

Lessors and  
Lessees Act.

Resolved, That this House do now resolve itself into a Committee to consider the expediency of amending the Act 3, Will. 4, c.1, to regulate the exercise

of certain rights of Lessors and Lessees.

The House accordingly resolved itself into the said Committee.



Mr. Hall took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Hall reported, That the Committee had come to a Resolution; which was read, as followeth:

Resolved, That it is expedient to amend the Act passed in the third year of the Reign of His late Majesty William the Fourth, chapter one, intituled, "An Act to regulate the exercise of certain rights of Lessors and Lessees."

The said Resolution, being read a second time, was agreed to.

Lessors and Lessees Bill.

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend the Act passed in the third year of The Reign of His late Majesty William the Fourth, chapter one, intituled, "An Act to regulate the exercise of certain rights of Lessors and Lessees."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Rimouski Registry Districts Bill.

Ordered, That Mr. Taché have leave to bring in a Bill to divide the County of Rimouski into two Districts for the Registration of Deeds.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bathurst Division Courts Bill.

Ordered, That Mr. Bell have leave to bring in a Bill to provide for the alteration of the times and places for holding the Division Courts in Division number six, in the District of Bathurst.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time; and ordered to be read a second time on Monday next.

Rebellion Losses, Lower Canada.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Robinson, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to direct the proper Officer to lay before this House, copies of all Petitions, Resolutions, and Addresses which His Excellency may have received on the

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subject of the payment of the Rebellion Losses in that part of the Province lately called Lower Canada;<sup>7</sup>

MR. AT. GEN. BALDWIN could not understand the object of the motion, and he did not see the use of crowding the Journals with these petitions,<sup>8</sup> at full length,<sup>9</sup> which were in many cases the same thing over again. If the gallant knight would alter his motion so as merely to ask for the number of the petitions and the number of signatures to them he (Mr. B.) would acquiesce in it, but not otherwise.<sup>10</sup>

SIR A. MACNAB did not think there was any necessity for putting it on

the Journals, when the information came down it would be for the House to say whether or not it should go on the Journals. (Hear, hear.) He (Sir Allan) had not anticipated any objection to the production of this information; it was the opinion of the people, so far as it went in different parts of the country on a subject that had been very warmly discussed within the House. He was not desirous of again entering on that discussion, but he thought it due to his side of the House that this information should be brought down that they might see the language of the petitions from one end of the province to the other. He (Sir Allan) thought that the people had a right to this information, that they might see how their fellow subjects felt on an occasion like this; they had a right to know what were the feelings constitutionally expressed at public meetings, called in most cases by the Sheriffs of the several Districts. Hon. gentlemen opposite, doubtless thought that they had pursued a right and proper course, but they might, at least give the minority the advantage of this expression of the opinion of the people. (Hear, hear.) He hoped the hon. Att. General would withdraw his opposition, and allow the address to be adopted.<sup>11</sup>

MR. AT. GEN. BALDWIN.--No, no.<sup>12</sup>

MR. H. SHERWOOD (Toronto) had hoped that after the explanation given by the hon. and gallant knight, the opposition to this address would have been withdrawn. He thought that the people had a right to have this information, and the objection urged by the Attorney General West, was a mere pretext for refusing the information, as the opposition had no desire to have this information upon the journals.<sup>13</sup>

MR. NOTMAN hoped the motion would not be allowed; the laying of the Petitions before them could answer no good purpose.<sup>14</sup> The object of the hon. member for Hamilton was to occupy the public attention with this question, to excite the country on it, and lay the foundation for political capital, and he would undoubtedly like to have this information to talk about at election meetings, and public dinners, during the summer; but he (Mr. Notman) could not see any good that the country would derive from it.<sup>15</sup> With regard to the Petitions being an expression of the opinions of the people of the country,<sup>16</sup> he could assure the gallant knight for Hamilton, that the expression of opinion on this question, in his (Mr. Notman's) District, emanated entirely from those who were his opponents at the last election and he believed that it had been the same throughout the Province. (Hear, hear.)<sup>17</sup> He did not believe that a single person who had supported him had been induced to withdraw his confidence from the Ministry in consequence of the measure against which those Addresses had been presented.<sup>18</sup>

MR. J.A. MACDONALD (Kingston)<sup>19</sup> thought if the Ministers refused to give the information, they should give some good reason for withholding it. He thought the remarks of the hon. member for Middlesex had furnished a very good reason why the information should be given, in order that the people of the country might judge as to whether it was only the expression of the opinion of a small portion of the people of the country, or not.<sup>20</sup>

MR. AT. GEN. BALDWIN denied that that was the reason, but he did not see in what way the country could be benefitted by this information, unless it was printed and put upon the journals.<sup>21</sup> He had objections to wasting the public money in printing such documents.<sup>22</sup>

SIR A. MACNAB said that was just as poor a reason as the first one

offered by the Attorney General West<sup>23</sup> for withholding the information. (Hear, hear.)<sup>24</sup> And he would remove that objection, too.<sup>25</sup> Here was a matter which had been exciting the people throughout the length and breadth of the land; the people had met constitutionally, and their address to the Governor General, respectfully worded, expressed their dissatisfaction at the conduct of the Ministry; but the hon. gentlemen opposite possessing a majority in the House, after consulting together, were determined to smother this expression of opinion. (Hear, hear.) The petitions and addresses were in their possession; they were not a Council to advise the Governor General of the Province, but--as his hon. friend from Simcoe said this morning--they were a Council to govern the Governor General.<sup>26</sup>

Cheers and counter-cheers, amidst which we understood MR. ROBINSON to disclaim having made use of the expression.<sup>27</sup>

SIR A. MACNAB ((continued:)) The excuse of the Attorney General that this information would encumber the journals, was obviated by the opposition not desiring to place that information on the journals at all; they only desired to have it, and they had asked for it in the proper and Parliamentary manner. They were told that this motion would put the country to the expense of printing. Well, the opposition would relieve the government from that expense and pay for the information themselves! (Hear, hear, and laughter.) But no! that would not answer the purpose of the honorable gentlemen, they had well considered this matter, this was asked for information, and they did not like to see it published, but he (Sir Allan) did not think they would prevent the opposition from publishing it. He would advise the people of the country to get duplicates of these addresses and they (the opposition) would print them all at their own expense. He (Sir Allan) maintained that they had a right to this information, it was right of the people and the Colonial Government should know what had been the expression of opinion of the people on the Indemnity Bill, and he had not for one moment anticipated any opposition to his motion. He (Sir Allan) would like to see the people meet and petition the Governor General for copies of these addresses and petitions, with the names of the signers, he should like to see them go by the Council and ask his Excellency himself for this information (hear, hear)<sup>28</sup> which he was now asking for in their behalf, in a proper and constitutional manner.<sup>29</sup> He thought it would not even be unbecoming in the minority of the House to go in a body to his Excellency and ask him to furnish them with this information. (Ironical cries of "hear, hear.") He (Sir Allan) should feel additional confidence in the rectitude of the course he had pursued on this question, if he was supported by one hundred petitions, some of them signed by sixteen and seventeen hundred people,<sup>30</sup> ((who)) approved of the course of conduct he had pursued.<sup>31</sup>

MR. H. SHERWOOD.--There were 100 signatures in the Montreal Petition.<sup>32</sup>

SIR A. MACNAB.--He would feel confident he was correct, if 6000 people in Montreal concurred in his opinion.<sup>33</sup>

Ironical cheers from MR. AT. GEN. LAFONTAINE.<sup>34</sup> (Hear, hear.)<sup>35</sup>

SIR A. MACNAB.--The hon. member cried "hear, hear," perhaps he felt that his conduct had met with the approval of no thinking man in the Province, (hear, hear) or perhaps, for anything he (Sir Allan) knew, the hon. member might expect to be provided for, before the next election, by some of those



numerous bills to make Chief Justices and Puisne Judges. (Hear, hear.) Sir Allan concluded by repeating that the minority had a right to obtain this information and that he had not expected it would have been refused them.<sup>36</sup>

MR. ASST. COM. P.W. CAMERON thought it was time there should be an end to this farce (hear, hear). He had taken some pains this session in contradicting the mis-statements of the hon. gentlemen opposite, and he should like to know from how many counties in Upper Canada, addresses and petitions had come.<sup>37</sup>

A voice.--Then give us the information.<sup>38</sup>

MR. ASST. COM. P.W. CAMERON.--They had had this information already twice told, every petition got up had been circulated throughout every newspaper in the Province. There was a meeting of which he had heard a great deal got up in the county of Kent; the meeting was called for 12 o'clock, and when the Sheriff took the Chair, there was no body there, and he had to wait nearly two hours before a sufficient number of people were there to pass resolutions, and at last there were not more than 15 or 20 persons present. Then there was another meeting held at Sandwich, at which there were about 200 or 300 people present, and there the meeting was two to one in favour of the measure, but the minority made such a disturbance that the meeting was broken up. The hon. gentlemen opposite had been doing all they could by means of public meetings and the Press, to excite the people; they had excited and recommended the people to bloodshed, and in consequence of their conduct, there had been bloodshed, and they now wished to keep up the excitement, for they felt that their cause had been a miserable failure, both in the House and throughout Upper Canada.<sup>39</sup>

SIR A. MACNAB gave a flat denial to the assertion made by the member for Kent, that any member of this House had recommended the people to bloodshed.<sup>40</sup>

MR. ASST. COM. P.W. CAMERON.--I said through the Press.<sup>41</sup>

SIR A. MACNAB.--What have we to do with the Press? (Ironical cheers.)<sup>42</sup>  
((There was)) some further discussion<sup>43</sup>.

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*The House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Badgley, Boulton of TORONTO, Christie, Crysler, Dickson, Dumas, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Stevenson.--*  
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NAYS.

*Messieurs Armstrong, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Burritt, Cameron of KENT, Cauchon, Chabot, Davignon, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Holmes, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Marquis, M'Farland, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Polette, Price, Richards, Sauvageau, Smith of WENTWORTH, Taché, Viger, Watts, and Wetenhall.*

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So it passed in the Negative.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Building So-  
cieties Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to encourage the establishment of Building Societies in Lower Canada," with an Amendment; to which they desire the concurrence of this House: And also,

Quebec Gas  
Company Bill.

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Quebec Gas Company," with several Amendments; to which they desire the concurrence of this House: And also,

Ameliasburgh  
Survey Bill.

The Legislative Council have passed a Bill, intituled, "An Act to confirm a certain Survey of the Township of Ameliasburgh, in Upper Canada," to which they desire the concurrence of this House.

And then he withdrew.

Winter Roads (No.  
3, L.C.,) Bill.

Ordered, That Mr. Cauchon have leave to bring in a Bill to repeal the Ordinances therein mentioned relating to Winter Roads in Lower Canada, in so far as regards the District of Quebec, the District of Gaspé, and part of the District of Three Rivers.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of Mr. DeWitt, seconded by Mr. Christie,

Reports on  
Private Bills.

Resolved, That the time for receiving Reports of Select and Standing Committees on Private Bills be further extended till Friday, the thirteenth instant.

Quebec Gas  
Company Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Quebec Gas Company," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 10, line 22. Leave out from "Surveyor" to "of" in line 23.

Press 10, line 27. After "places" insert "to the satisfaction of the said Road Surveyor."

Press 10, line 29. Leave out from "delay" to "and" in Press 11, line 1.

Press 15, line 46. Leave out "in case" and insert "whenever."

Press 16, line 5. Leave out from "Surveyor" to "shall" in line 6.

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Chabot do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

Witnesses.

Ordered, That the Lists laid upon the Table by the

Clerk of this House, on the 28th ultimo, pursuant to the Order of this House of the 26th of March last, shewing the several sums paid to persons examined before Select Committees in the course of the present Session, be printed for the use of the Members of this House.

On motion of Mr. Christie, seconded by Mr. Seymour,

Ste. Anne des  
Monts and  
Cape Chat  
Municipality  
Bill.

Ordered, That the Bill to detach the Settlements of Ste. Anne des Monts and Cap Chat from the Municipality of Gaspé, and to erect them into a separate Municipality, be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Notman took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Notman, reported That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Notman reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed.

Prothonotaries  
of the Queen's  
Bench, District  
of Quebec.

The Honorable Mr. Attorney General LaFontaine, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General, dated the 22nd February last, praying His Excellency to be pleased to cause to be laid before the House, a clear and detailed Statement of the fees and emoluments received by the Prothonotaries of the Court of Queen's Bench for the District of Quebec, in the years 1846, 1847, and 1848, indicating separately the source from which the said fees and emoluments are derived during each year, together with the detailed disbursements and expenses of their office for each year, indicating separately why those expenses have been incurred, the number of Clerks employed in the said office, and their respective ages and annual salaries, and the net profits remaining to the Prothonotaries in each year; and, further, a Statement of the monies remaining in their hands and possession, whether as legal deposits, or as monies remaining deposited with them in cases of ratification, and actually in their hands and possession, since 1840 inclusively, shewing in what Causes the said monies were deposited, when they were deposited, and the time at which they became payable.

Appendix  
(D.D.D.D.)

For the said Return, see Appendix (D.D.D.D.)

Tolls on Public  
Roads in Upper  
Canada.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly of the 26th ultimo, calling for copies of all Tenders made, during the last year, to lease the Tolls on the Public Roads in Western Canada.

Appendix  
(E.E.E.E.)

For the said Return, see Appendix (E.E.E.E.)



Montreal  
Turnpike  
Roads Bill.

Mr. Crysler reported the Bill to amend the Acts and Ordinance relative to the Montreal Turnpike Roads; and the amendment was read, and agreed to.

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Ordered, That the Bill, with the amendment, be engrossed.

Joint Stock  
Road Comp-  
anies (U.  
C.) Bill.

The Order of the day for the House in Committee on the Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, being read;

The House accordingly resolved itself into the said Committee.

Mr. Wilson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

MR. EGAN desired to have the operation of the bill extended to the county of Ottawa; but no part of it to apply to rights of individuals, so far as regarded slides.<sup>44</sup>

DR. DAVIGNON intimated that the laws of Lower Canada would be interfered with by the bill.<sup>45</sup>

MR. ASST. COM. P.W. CAMERON said, that during the whole time the bill was before the Select Committee, he had heard nothing of its interfering with the laws of Lower Canada.<sup>46</sup>

MR. H. BOULTON (Norfolk) said, that he was requested by the hon. member for Ottawa to insert that clause. It was of no importance to him; the hon. gentleman might insert the clause if he chose, if not, the bill could be passed solely with reference to Upper Canada.<sup>47</sup>

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And Mr. Wilson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received, on Wednesday next.

Niagara  
District  
Town Bill.

The Order of the day for the second reading of the Bill to remove the site of the District Town of the District of Niagara, to Port Robinson in the Township of Thorold, in the County of Welland, being read;

Ordered, That the Bill be read a second time, on Thursday next; and that it be then the first Order of the day.

Limitation of  
Actions Bill.

The Order of the day for the House in Committee on the Bill to alter the Law relating to the limitation of Actions in this Province, being read;

The House accordingly resolved itself into the said Committee.

Mr. Sauvageau took the Chair of the Committee;<sup>48</sup>

MR. H. BOULTON (Norfolk) explained that the<sup>49</sup> object of<sup>50</sup> the Bill was to enable persons residing out of the Province to have the power of bringing actions and that the Statute of Limitation should apply in the same manner to them as to those living in the Province. He said it was peculiarly necessary in a country like Canada extending as it did, along a long line of

frontier. He could see no reason why a person residing in Canton should not have the right of suing for a debt honestly contracted.<sup>51</sup>

MR. WILSON was opposed to the Bill as it at present stood<sup>52</sup>, so far as it related to creditors in the United States, he saw no objection to it.<sup>53</sup> He thought it would be unjust to the merchant of England to make him sue out his claim<sup>54</sup> for debts contracted by persons in Canada, or lose the right to the debt<sup>55</sup> under the period of the Statute of Limitation. He thought it was founded in injustice, and he would urge that if it were passed that it should only come into operation six years after passing.<sup>56</sup> He thought the bill should not apply to debt. He thought the bill should not apply to debts already contracted. It would also operate unjustly as regarded the rights of married women. For these reasons he objected to the bill.<sup>57</sup>

MR. BOULTON made some remarks in reply.<sup>58</sup>

MR. RICHARDS suggested to the hon. member whether it would not be as well to let the Bill lay over till another session, as it affected very important interests, and Hon. gentlemen would then have an opportunity of judging of it in all its bearings.<sup>59</sup>

MR. ASST. COM. CR. LANDS PRICE was opposed to the bill, and thought it desirable that it should lay over for the next session.<sup>60</sup> He was opposed to extending it to persons living in the States. He thought it would be an act of injustice to persons in England, who<sup>61</sup> were unable to watch their debtors or creditors, and it would be an act of fraudulent injustice to those persons, if after losing sight of them for several years, they should on coming to Canada be compelled to forfeit their claims.<sup>62</sup>

MR. AT. GEN. BALDWIN objected to the Bill so far as regarded the recovery of debts by persons in England. He also objected to that part of the bill affecting the interests of femmes convertes. He thought the safest mode of dealing with the bill would be to let it lay over for the present, and bring it forward in another session as perfect in its details as the hon. member could make it.<sup>63</sup>

MR. BOULTON made more remarks, which we could not hear.<sup>64</sup>

((There were)) some few further remarks<sup>65</sup>.

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Sauvageau reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*And the Question being put, That the Committee have leave to sit again:-- It passed in the Negative.*

*Resolved, That the said Bill be referred to a Select Committee composed of the Honorable Mr. Boulton, Mr. Solicitor General Blake, the Honorable Mr. Macdonald, Mr. Notman, and Mr. Richards, to report thereon with all convenient speed.*

*Ordered, That it be an Instruction to the said Committee, to confine the operation of the Bill to Upper Canada.*

Pilots' Appren-  
tices Bill.

*The Order of the day for the House in Committee on the Bill to compel Pilots' Apprentices to qualify*

themselves to pilot vessels by the north channel of the River St. Lawrence, below the Island of Orleans, and to oblige the Trinity House of Quebec to lay down buoys to mark the shoals in the said channel, and to facilitate the traverse from the south to the north, from Isle aux Reaux to Cape Tourmente, being read;

The House accordingly resolved itself into the said Committee.

Mr. Guillet took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Guillet reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Guillet reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed.

Writs of Ex-  
ecution Bill.

The Order of the day for the second reading of the Bill to extend the remedy by Writs of Execution, being read;

Mr. Wilson moved, seconded by Mr. Richards, and the Question being proposed, That the Bill be now read a second time;<sup>66</sup>

MR. WILSON, in moving the second reading of a bill to extend the remedy by writs of execution, said, that the bill now proposed to be read a second time, had been a number of weeks before hon. members, and the country, and, no doubt, opinions favourable or opposed to it had been formed.--Those whose views were in favour of debtors retaining property from their creditors, would not look with patience at the bill, because it recognized this principle, that every one should pay his debts if he had the means to do so. Those on the other hand, who recognized the principle just stated, would hail the measure as a long desired boon. If the practical inefficiency of the law, as it now stands, as far as enforcing the judgments by writs of execution were stated, it would appear to all but professional men as absurd. When a party has obtained judgment, he can as a matter of course, issue a writ, commanding the Sheriff to seize the goods and chattels of the party against whom the judgment stands and on his writ, the Sheriff is bound to seize, those things which the law recognizes as goods and chattels. He could not sieze (sic) money--he could not sieze (sic) a note, bond, or debt of any kind; and although the party might have executions in his favor, and might be enforcing them against other parties, through the same Sheriff, he could not take, keep or make available any part of that money for the benefit of him who had an execution against the same party. A man may have a thousand pounds in good debts, or in absolute hard cash, or bank notes, and set his judgment creditors and the Sheriff at defiance for all they could do directly to seize those things or for all they could do to prevent him from collecting those debts. So long, he (Mr. W.) said, as the man does not abscond, and so long as he thus retains his property of this kind in his own hands, he could not be touched. It is true by imprisoning him you might force him to assign his property or remain in jail, but by no law could he be imprisoned for merely refusing to pay his debt under the circumstances detailed. A man can be arrested on an execution on two suggestions which require to be made on oath, the one, that the debtor is about to leave the



province, the other, that he has made some secret conveyance of his property to prevent its being taken in execution. But money cannot be seized, and debts cannot be seized, so he may with perfect impunity hold both money and debts against the Sheriff, and against his creditor, and have ample means of paying his debts all the while. By a principle of the common law intended to protect the poor from the oppression of the rich, in a more primitive state of society, no cause or "chose" in action as it is called, could be sold, or even assigned, so as to vest the cause of action in any other than the original party. At different periods this rule had been altered, and the case of suing upon promissary notes, in the name of the endorsee or holder, is a familiar instance to non-professional members, while the assignment of Sheriffs and some other bonds, and the vesting the estate of a bankrupt in his assignees are cases familiar to all professional men. This bill goes directly against the principle of the Common Law; but it does not go beyond what has been recognized in the special cases to which allusion has been made, and it does not go beyond what every man must recognize as just. Even in England where ancient rules are not broken, without urgent cause, a bill was passed ten years ago, authorizing the Sheriff to seize nearly all that this bill proposes to seize, but making this difference, that there, the Sheriff seizes and sues the claim and pays over the money; here, it is proposed to seize and sell the claim, and let the purchaser sue it, and collect it as his own. And the additional step thus proposed to be taken is not nearly so far in advance of the English Act, as that act was in advance of the Common Law. This bill proposes to sell the interests of the mortgagor or mortgagee of a chattel. For suppose a man was in debt, but had a pair of horses worth fifty pounds, which were mortgaged for twenty-five pounds, it is humbly submitted that no common law process could sieze (sic) and sell the interest of either of the parties in these horses, and yet, both would be interested in them, to the amount of twenty-five pounds, and the judgment creditor could not take them, as the property of either. So much as regards chattels. But it is proposed to make the remedy against lands more efficient. There are numerous cases in the Province, in which men are the recognized owners of lands, and in possession of them, yet they cannot be seized. When the Government has located lands it does not usually--even in the case of free grants--issue Patents without application. And in cases in which the grant was free, but the Patent had to be paid for, the Patent does not issue till the fee is paid. Lands in this predicament, cannot be seized or sold, although the Government recognizes an assignment as between party and party, so as to grant the land to the assignee of the party having the right. There are thousands of farms of considerable value held in this way, which cannot be reached by any direct process known to our law. Another case of the same kind is the interest of the purchase from the Crown or from an individual, of valuable lands, paid for, or partly paid for, but not granted or conveyed which cannot be touched, because the party although in possession, and entitled to a grant or conveyance on the completion of his payment, which may be small, has not the legal title in himself. Then a mortgaged farm cannot be sold by any common law process on a judgment. Like a mortgaged chattel, it cannot be sold as the property of the mortgagor or mortgagee, at the instance of the creditor of either, on an execution against lands. In fact, if a farm were mortgaged for ten pounds or ten shillings, and were worth £100, it could not be sold on an execution. And so, too, if a debtor owned a mortgage on a valuable farm, for £100, his creditor could not seize and sell his interest in it, as an execution against

his lands.--The bill proposes to remedy these grievances, in fact, simply to make all means properly available, for the payment of the debts, saving to man and his family their beds, bedding, clothing and cooking utensils. And lastly, this bill abolishes imprisonment for debt, excepting the creditor shall refuse to give up his property to satisfy his debts. This measure maintains the right and necessity to imprison a man when he can and will not pay his debts, but denies the right to imprison him, because he has not the means of paying them. If therefore, there are hon. members who hold that no man may be imprisoned for debt, they cannot support this bill; but if the majority hold, as doubtless they do, that it is necessary to imprison for fraudulently withholding payments, when the creditor has the means, then that part of the bill will be supported in this House. A long experience has suggested the necessity of this measure, it may not pass now, but pass it will at no distant period, in all its principles, for society cannot well exist if debtors may set their creditors at defiance with impunity. Apart from all reasons, as between party and party, there are grave reasons why men should be prevented from evading the payment of their just debts. A more demoralizing agency cannot be conceived than this, that a man has plenty and defies his creditors, and yet, he regretted to say, it had become too common with men who from their intelligence ought to show a better example.<sup>67</sup>

MR. FLINT said he was in favor of the principle that every man should pay his debts; but he thought the detail too stringent<sup>68</sup> but would not vote against the second reading as he thought many of the details might be amended in Committee.<sup>69</sup>

MR. SHERWOOD would support the general principles of the bill on the ground that every man should surrender every thing he has, without entirely ruining his family, for the payment of his just debts.<sup>70</sup> He had himself introduced a similar provision in his Division Court Bill.<sup>71</sup>

MR. MORRISON was opposed to the bill. He thought it would be doing too much to sell mortgages under this bill<sup>72</sup>. The bill would greatly increase litigation and ((he)) objected to several of the clauses<sup>73</sup> and would prefer lying over; or would vote against the bill.<sup>74</sup>

MR. J.A. MACDONALD of Kingston, objected to the general principles of the bill. He thought it opened a wide field for fraud.<sup>75</sup>

Several other members objected to the bill on account of the extreme stringency of the measures it provided.<sup>76</sup>

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*The Honorable Mr. Boulton moved in amendment to the Question, seconded by Mr. Armstrong, That the word "now" be left out, and the words "this day. three months" added at the end thereof.*

*And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--*

YEAS.

*Messieurs Armstrong, Badgley, Beaubien, Bell, Boulton of NORFOLK, Cartier, Cayley, Christie, Crysler, DeWitt, Dumas, Fergusson, Fortier, Fournier, Fourquin, Guillet, Hall, Johnson, Laurin, Macdonald of KINGSTON, Sir Allan*

N. MacNab, M'Connell, Merritt, Méthot, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Sauvageau, Seymour, Smith of WENTWORTH, Stevenson, Taché, and Wetenhall.--(36.)

NAYS.

Messieurs Attorney General Baldwin, Solicitor General Blake, Burritt, Cameron of KENT, Chabot, Holmes, Laterrière, Malloch, Richards, Sherwood of BROCKVILLE, Sherwood of TORONTO, and Wilson.--(12.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day three months.

Joint Stock  
Companies  
Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be read a third time, on Monday next.

Church Build-  
ing Bill.

The Order of the day for the second reading of the Bill for recognizing for civil purposes, the Canonical Erection of Catholic Parishes, and to regulate the construction and repairing of Churches, Sacristies, Parsonage Houses and Church Yards, and for repealing certain Acts and Ordinances therein mentioned, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Chabot, Mr. Bouthillier, Mr. Armstrong, Mr. Guillet, Mr. Taché, the Honorable Mr. Laterrière, and Mr. Lemieux, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Markham and  
Elgin Plank  
Road Bill.

The Order of the day for the second reading of the Bill to incorporate the Markham and Elgin Plank Road Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge Bills.

Personal  
Property  
Attachment  
Bill (U.C.)

The Order of the day for the second reading of the Bill to authorize Attachments against personal property for sums of Ten pounds and under, in certain cases in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Richards, Mr. Smith, of Durham, Mr. Wilson, Mr. Sherwood, of Brockville, Mr. Burritt, and the Honorable Mr. Boulton, to report thereon with all convenient speed.

Wesleyan  
Methodist  
Church Bill.

The Order of the day for the second reading of the Bill to enable the Trustees of Churches and Parsonages, and other Trusts, belonging to the Wesleyan Methodist Church in Canada, more conveniently to manage and dispose of their Estates, and for other purposes therein mentioned, being read;



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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

Grand River  
Navigation  
Company Bill.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Grand River Navigation Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

L'Association  
de St. Jean  
Baptiste de  
Montréal Bill.

The Order of the day for the second reading of the Bill to incorporate L'Association Saint Jean Baptiste de Montréal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous

Private Bills.

Debates of  
the House.

The Order of the day for taking into further consideration the Question proposed on Monday, the fifth day of March last, That the Speaker do now leave the

Chair, (for the House in Committee to consider the propriety of adopting a Standing Rule fixing the time during which each Member may speak on any Question in the Debates of the House,) being read;

Ordered, That the said Order of the day be postponed till Wednesday, the eighteenth instant.

Mutual  
Insurance  
Companies  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to amend the Act relating to Mutual Insurance Companies in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Stevenson, Mr. M'Farland, Mr. Thompson, Mr. Malloch, and Mr. Seymour, to report thereon with all convenient speed.

Saguenay  
Municipal  
Council Bill.

The Order of the day for the House in Committee on the Bill to authorize the inhabitant householders holding lands in the new Settlements on the borders of the Saguenay, forming the Second Municipal Division

of that County, to establish a Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, being read;

The House accordingly resolved itself into the said Committee.

Mr. Wetenhall took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Wetenhall reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Wetenhall reported, the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed.

Militia Act  
Amendment  
Bill.

The Order of the day for the second reading of the Bill to repeal part of and to amend the Act regulating the Militia of this Province, in so far as

regards the enrolment of and fines imposed upon Quakers, Menonists and Tunkers, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

Commutation  
of Tenure  
Bill.

The Order of the day for the House in Committee on the Bill to amend the Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the better to facilitate optional commutation of tenure of lands en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier," being read;

The House accordingly resolved itself into the said Committee.

Mr. Seymour took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Seymour reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Seymour reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed.

Bill relating  
to Real or  
Mixed Actions.

The Order of the day for the second reading of the Bill to amend the Law of Lower Canada as regards the District in which real or mixed Actions may be commenced, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Thursday next.

Toronto Gen-  
eral Burying  
Ground Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in

certain Trustees and their successors," being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be read a third time, on Thursday next.

Montreal Mer-  
chants Reading  
Room Bill.

The Order of the day for the second reading of the Bill to incorporate the Merchants' Reading Room of Montreal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Bill to facil-  
itate Actions  
against unincor-  
porated Bodies.

The Order of the day for the House in Committee on the Bill to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Societies and Companies, being read;

The House accordingly resolved itself into the said Committee.

Mr. M'Farland took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. M'Farland reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Hamilton and  
Gore Mechanics  
Institute Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Hamilton and Gore Mechanics' Institute, being read;

The House accordingly resolved itself into the said Committee.

Mr. DeWitt took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. DeWitt reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Quebec  
Health Bill.

The Order of the day for the second reading of the Bill to provide for the Health of the City of Quebec, being read;

The Bill was accordingly read a second time; and referred to the Select Committee to which is referred the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, and other references.

St. Patrick's  
Society Bill.

The Order of the day for the second reading of the Bill to incorporate the St. Patrick's Society of Quebec, being read;

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The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Niagara and  
Detroit Rivers  
Railroad Bill.

The Order of the day for the second reading of the Bill to incorporate the Niagara and Detroit Rivers Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroad and Telegraph Line Bills.

Lower Canada  
Bar Incorpora-  
tion Bill.

The Order of the day for the second reading of the Bill to incorporate the Bar of Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Chabot, the Honorable Mr. Badgley, Mr. Cartier, Mr. Polette, the Honorable Mr. Papineau, Mr. Lemieux, and Mr. Chauveau, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Bridge Bill  
of A.M. Delisle  
and others.

The Order of the day for the House in Committee on the Bill to authorize Alexandre M. Delisle and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned, being read;

The House accordingly resolved itself into the said Committee.

Mr. Wilson took the Chair of the Committee; and after some time spent therein,



Mr. Speaker resumed the Chair;

And Mr. Wilson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Montreal New  
City Gas Com-  
pany Bill.

The Order of the day for the House in Committee on the Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company, being read;

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Mount Hermon  
Cemetery Bill.

The Order of the day for the House in Committee on the Bill to incorporate "The Mount Hermon Cemetery," being read;

The House accordingly resolved itself into the said Committee.

Mr. Richards took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Richards reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill, with the amendment, be engrossed.

Mutual and  
General In-  
surance Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Provincial Mutual and General Insurance Company, being read;

The House accordingly resolved itself into the said Committee.

Mr. Dumas took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Dumas reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Notice being taken, that there was no Quorum:--The names of the Members present were taken down, as follow:

Mr. Speaker,

Messieurs Attorney General Baldwin, Bell, Boulton of NORFOLK, Cartier, Cauchon, Chauveau, Christie, DeWitt, Dumas, Fortier, Fournier, Hall, Laurin, Malloch, M'Farland, Mongenais, Price, and Wilson.

*And at five minutes after one o'clock on Tuesday morning, the House was adjourned by Mr. Speaker, without a Question first put, till three o'clock in the afternoon.*

APPENDIX: 2 APRIL 1849.

((QUESTIONS AND ANSWER RE: POST OFFICE.))<sup>77</sup>

((There was)) a series of questions from COL. GUGY<sup>78</sup>.

MR. INSP. GEN. HINCKS stated that it was the intention of the Government to introduce a measure, during this present Session, for the transfer of the Post Office from the Imperial to the Provincial Government, and that it was their intention to reduce the Postage to an uniform rate of three pence per half ounce<sup>79</sup> and make them uniform. In certain appointments connected with the Post Office, as those of Postmasters in the country, and new clerks in the office, the Provincial Administration was not consulted. Certain other appointments as that of the Post Master of the Province, and his immediate staff, were still made by the authorities in England. It was a fact that the Postmaster General, in the exercise of this portion of his patronage had sent out a few individuals during the year 1848, to fill some offices in the Provincial post office. In those appointments the Provincial administration were not consulted, and they knew nothing about them. Of course, they did not approve of that mode of filling up vacancies in the office, and the change now proposed would put an end to it. The administration, in like manner, knew nothing about the emolument received by the gentlemen in the post office; but when the change already spoken of should be effected, they would have the power, with the concurrence of the Legislature, to regulate the remuneration which should be given for these services.<sup>80</sup>



FOOTNOTES: 2 APRIL 1849.

1. The debate on this motion was reported by: PILOT, 4 April 1849, BRITISH WHIG, 9 April 1849, PROVINCIALIST, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
2. PILOT, 4 April 1849.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. The debate on this motion was reported by: MONTREAL GAZETTE, 4 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts, except that HAMILTON SPECTATOR's account is slightly different; PILOT, 4 April 1849, GLOBE, 14 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts, except that in HAMILTON SPECTATOR only a few speeches are identical; PROVINCIALIST, 12 April 1849, and PRINCE EDWARD GAZETTE, 13 April 1849, in identical accounts. PILOT, 4 April 1849, and BATHURST COURIER, 4 April 1849, who acknowledged the PILOT as its source, noted the debate identically; LA MINERVE, 5 April 1849, also noted the debate. Identical commentaries appeared in PILOT, 4 April 1849, and BATHURST COURIER, 13 April 1849, which acknowledged PILOT as its source. When necessary the GLOBE will be used instead of the PILOT.
8. PILOT, 4 April 1849.
9. MONTREAL GAZETTE, 4 April 1849.
10. PILOT, 4 April 1849.
11. IBID.
12. IBID.
13. IBID.
14. MONTREAL GAZETTE, 4 April 1849.
15. PILOT, 4 April 1849.
16. MONTREAL GAZETTE, 4 April 1849.
17. PILOT, 4 April 1849.
18. MONTREAL GAZETTE, 4 April 1849.
19. PILOT, 4 April 1849.
20. MONTREAL GAZETTE, 4 April 1849.
21. PILOT, 4 April 1849.
22. MONTREAL GAZETTE, 4 April 1849.
23. IBID.
24. GLOBE, 14 April 1849.
25. MONTREAL GAZETTE, 4 April 1849.
26. GLOBE, 14 April 1849.
27. IBID.
28. IBID.
29. MONTREAL GAZETTE, 4 April 1849.
30. GLOBE, 14 April 1849.
31. MONTREAL GAZETTE, 4 April 1849.
32. IBID.
33. IBID.
34. IBID.
35. GLOBE, 14 April 1849.
36. IBID.
37. IBID.
38. IBID.

39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. The debate on this matter was reported by: MONTREAL GAZETTE, 4 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts; and PRINCE EDWARD GAZETTE, 13 April 1849.
49. MONTREAL GAZETTE, 4 April 1849.
50. PRINCE EDWARD GAZETTE, 13 April 1849.
51. MONTREAL GAZETTE, 4 April 1849.
52. IBID.
53. PRINCE EDWARD GAZETTE, 13 April 1849.
54. MONTREAL GAZETTE, 4 April 1849.
55. PRINCE EDWARD GAZETTE, 13 April 1849.
56. MONTREAL GAZETTE, 4 April 1849.
57. PRINCE EDWARD GAZETTE, 13 April 1849.
58. MONTREAL GAZETTE, 4 April 1849.
59. PRINCE EDWARD GAZETTE, 13 April 1849.
60. IBID.
61. MONTREAL GAZETTE, 4 April 1849.
62. PRINCE EDWARD GAZETTE, 13 April 1849.
63. IBID.
64. MONTREAL GAZETTE, 4 April 1849.
65. PRINCE EDWARD GAZETTE, 13 April 1849.
66. The debate on this motion was reported by: PILOT, 4 April 1849, BATHURST COURIER, 13 April 1849, and GLOBE, 14 April 1849, in identical accounts; and PRINCE EDWARD GAZETTE, 13 April 1849. MONTREAL GAZETTE, 4 April 1849, and HAMILTON SPECTATOR, 11 April 1849, noted the debate identically.
67. PILOT, 4 April 1849.
68. IBID.
69. PRINCE EDWARD GAZETTE, 13 April 1849.
70. IBID.
71. PILOT, 4 April 1849.
72. IBID.
73. PRINCE EDWARD GAZETTE, 13 April 1849.
74. PILOT, 4 April 1849.
75. PRINCE EDWARD GAZETTE, 13 April 1849.
76. IBID.
77. This matter was reported by: MONTREAL GAZETTE, 4 April 1849, HAMILTON SPECTATOR, 11 April 1849, and STANSTEAD JOURNAL, 12 April 1849, in identical accounts; PILOT, 4 April 1849, BRITISH WHIG, 4 April 1849, GLOBE, 4 April 1849, MORNING CHRONICLE, 4 April 1849, BRITISH COLONIST, 6 April 1849, HAMILTON SPECTATOR, 7 April 1849, BATHURST COURIER, 13 April 1849, and GLOBE, 14 April 1849, in identical accounts, except that accounts of BRITISH WHIG, GLOBE, MORNING CHRONICLE, BRITISH COLONIST, and HAMILTON SPECTATOR were very short; PROVINCIALIST, 12 April 1849, and PRINCE EDWARD GAZETTE, 13 April 1849, in identical accounts.

- 78. PILOT, 4 April 1849.
- 79. MONTREAL GAZETTE, 4 April 1849.
- 80. PILOT, 4 April 1849.



TUESDAY, 3 APRIL 1849.

(204)

Ste. Anne des  
Monts and  
Cape Chat  
Municipality  
Bill.

AN engrossed Bill to detach the settlements of Ste. Anne des Monts and Cape Chat from the Municipality of Gaspé, and to erect them into a separate Municipality, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the Bill to the Legislative Council, and desire their concurrence.

Pilots' Appren-  
tices Bill.

An engrossed Bill to compel Pilots' Apprentices to qualify themselves to pilot vessels by the north channel of the River St. Lawrence, below the Island of Orleans, and to oblige the Trinity House of Quebec to lay down buoys to mark the shoals in the said channel, and to facilitate the traverse from the south to the north, from Isle aux Reaux to Cape Tourmente, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Laterrière do carry the Bill to the Legislative Council, and desire their concurrence.

Montreal  
Turnpike  
Roads Bill.

An engrossed Bill to amend the Acts and Ordinance relative to the Montreal Turnpike Roads, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Acts and Ordinances relating to the Montreal Turnpike Roads."

Ordered, That Mr. Scott, of Two Mountains, do carry the Bill to the Legislative Council, and desire their concurrence.

Saguenay  
Municipal  
Council Bill.

An engrossed Bill to authorize the inhabitant householders holding lands in the new Settlements on the borders of the Saguenay, forming the Second Municipal Division of that County, to establish a Municipal Council therein, and for other purposes, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Laterrière do carry the Bill to the Legislative Council, and desire their concurrence.

Commutation  
of Tenure Bill.

An engrossed Bill to amend an Act passed in the eighth year of Her Majesty's Reign, intituled, "An Act the better to facilitate optional commutation of the tenure of lands en roture, in the Seigniories and Fiefs in Lower Canada, into that of franc-aleu-roturier," was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the Bill to the Legislative Council, and desire their concurrence.

Petition of  
H. Maginnis

Ordered, That the Petition of Hugh Maginnis and others, of the Township of ThurLOW, be referred to the

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and others;

Select Committee appointed to enquire into the limits and internal divisions of the different Cities, Towns, and Villages in Upper Canada, and another reference.

Of the Hamilton Mercantile Library Association, referred.

Ordered, That the Petition of the Hamilton Mercantile Library Association be referred to the Standing Committee on Standing Orders; and that the Rules of this House be suspended as regards the said Petition.

On motion of Mr. Cauchon, seconded by Sir Allan N. MacNab,

Railroad and Telegraph Line Bills.

Ordered, That the Honorable Mr. Robinson be added to the Standing Committee on Railroad and Telegraph Line Bills, in the place of the Honorable Mr. Sherwood, absent on leave.

Sixth Report of Committee on Miscellaneous Private Bills.

Mr. Sherwood, of Brockville, from the Standing Committee on Miscellaneous Private Bills, presented to the House, the Sixth Report of the said Committee; which was read, as followeth:

Your Committee have examined the Bill to incorporate the Horticultural Society of Montreal, and the Bill to amend the Act incorporating the City Bank, and to provide for a reduction of its Capital Stock; and have agreed to report the same, without amendment.

The Bill to amend the Act incorporating the Lake St. Louis and Province Line Railway Company has also been referred to Your Committee, but they would respectfully submit, that it ought rather to have been referred to the Standing Committee on Railroad and Telegraph Line Bills.

On motion of Mr. Chauveau, seconded by Mr. Méthot,

Building Societies Bill.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to encourage the establishment of Building Societies in Lower Canada," be now taken into consideration.

The House proceeded accordingly to take the said Amendment into consideration; and the same was read, as followeth:--

Press 3, line 20. Leave out from "cases" to "and" in line 24.

The said Amendment, being read a second time, was agreed to.

Ordered, That Mr. Chauveau do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

Timber Management Bill.

Ordered, That the Honorable Mr. Price have leave to bring in a Bill for the sale and better management of Timber upon the Public Lands.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

MR. AT. GEN. BALDWIN<sup>1</sup> in rising to move for leave to introduce a Bill to amend the Charter of the University established at Toronto by His late Majesty King George the Fourth, and for other purposes connected therewith, said that the University Question was one the importance of which was admitted on all sides of the house, and was one which had already occupied the

attention of two governments; it had occupied the attention of the Government in 1843 and also the attention of the late Government at more than one period of its existence. One of the<sup>2</sup> peculiar<sup>3</sup> features of the Bill was that it divested the University of all denominational characteristics. It had been felt by all parties that to give the University that hold upon the people of the country which it was desirable it should possess, and to give it that success which it was desirable it should obtain, it should be deprived of any denominational characteristics which might prevent any portion of the community, however small, from extending to it their support, by means of sending their youth there to be educated;--and so long as by the Charter of the University one denomination enjoyed even a nominal superiority, it was necessarily calculated to weaken it, and to deprive it of some of that support which it required. The great object, therefore, in framing the Bill, was to divest the University entirely of that characteristic and for that purpose they proposed to abolish the chair of divinity altogether, and by that means and by the abolishment of every religious observance which could possibly prove offensive to any portion of the students attending the University, they thought they would be able to divest the institution of any denominational characteristics.<sup>4</sup> It was with that view that the Bill which he submitted to the House provided that there should be no chair of Divinity in the University, and that no test or religious attendance of a particular class should be required.<sup>5</sup> The next point was to place the government of the University upon a footing which would give the people of the country confidence in it<sup>6</sup> to assure the public that it was not a mere class corporation<sup>7</sup>. For that purpose they proposed that the senate should consist of the professors and twelve other persons taken from without its walls, of the twelve they proposed that six should be nominated by certain Colleges which were now in existence, or which might hereafter be established, the other members they proposed should be appointed by the Crown the only restriction being that they should have taken the degree of Master of Arts<sup>8</sup> in the University.<sup>9</sup> This restriction was only to come into force at a remote period as it might be found difficult immediately after the Bill was passed to find proper persons so qualified. It was not intended to make it a necessary qualification until the year 1860; so far with regard to the class of materials to be brought into the University they felt it desirable that some material should be brought into the University from without the walls and there were only two sources (sic) from which it could well be drawn namely, from the Crown, and from such educational institutions as existed in the country which naturally had a deep interest in the general advancement of learning, and they thought they could not derive a portion of their material from a better source (sic) than them. They proposed, therefore, that those Colleges should have the privilege of naming one member of the Senate the only qualification required being that he should have taken the degree of M.A. at the University.<sup>10</sup> Another point which had appeared to him all important,<sup>11</sup> that the power of conferring degrees should be confided to the University. And they had, therefore, made it a condition that, before the two Colleges which now had the power of granting degrees should be allowed to name a member of the Senate that they should give up the power of granting degrees unless in Divinity.<sup>12</sup> By these means, those different establishments would have some influence on the University, and in addition there would be a certain amount of lay influence which he hoped would have the effect of increasing the confidence of the public in the University.<sup>13</sup> This would not place those Colleges in a worse position than they now were, or as compared with other



institutions which might be established. Then with respect to the general system of education to be carried on there were two great systems which were followed by similar institutions in Europe, the Collegiate and the Professorial systems. For many years the University system had not been followed and the work had generally been carried on by Colleges. At Oxford, originally, the system was entirely a University one, the education being conducted by the University instead of by Colleges as at present. They proposed by the present Bill--and in that respect it differed from the Bill of 1843<sup>14</sup> which was considered by some hon. gentlemen to be rather cumbrous<sup>15</sup>, that Bill proposed that the University should consist of certain Colleges. By the present Bill they had joined them and gone back to the Professorial system, by which they proposed that the Education should be conducted by Professors of the University, at the head of whom would be the President of the University. Then with regard to the internal government of the University, they proposed that the Chancellor should be elected by the Convocation, and the Vice Chancellor by the Senate, by which means the corporate body would have the power to appoint the head of the University. There was another important point, that was the appointment of the Professors. The Senate would have the power to require the Caput to call for candidates to fill any vacant chair, and to report upon the qualifications of the persons who offered themselves; upon the report of the Caput, the Senate would judge of the qualifications of the different candidates, and select four of them and send their names to the Governor, and from those names the Crown would have to make a selection. It was a question whether the appointment should not be left wholly with the Senate or with the Crown but he thought that the proposed system would be found less objectionable than either of those two modes.--<sup>16</sup> With regard to the appointment of Professors by the Crown, the great danger then was, that in times of political excitement, appointments would very possibly be influenced by political feelings, which would necessarily prove most injurious both to the University and to the public. That difficulty was in his opinion completely obviated by the plan he had laid down, for it would be impossible for any Minister to recommend the appointment of any person who was not recommended in the report of the Caput.<sup>17</sup> Then, with respect to the disposal of a question that could not be forgotten in dealing with the University,--he referred to that most important appendage to it, the Upper Canada College, he thought the College had always suffered a great deal from its constitution being too similarly connected with that of the University, and its not having sufficient power to govern itself. He proposed, therefore, while retaining the College as an appendage to the University, to give it some competent organization to govern itself. Another important point which he thought it necessary to call the attention of the house to, because it had attracted much attention--he referred to the financial affairs of the University, it was proposed that the Senate should have the general direction as to the disposal of the property, but it should not be in the power of the Senate actually to dispose of it. The actual administration of the affairs of the University would be placed in the hands of a board of three members<sup>18</sup>. He would do Mr. Justice Draper the justice to say, that this idea had been borrowed from him; he had made some alterations in it, however, which, as he thought, would make it more satisfactory. As he had said, he proposed that the board should consist of three persons<sup>19</sup>, one of whom, the Chairman, who would be the paid manager of the affairs of the University, would be appointed by the Crown, one member would be appointed by the Senate, and the third member would be appointed by the Convocation of the College; by this means, both parties would be represented in

the Board and would therefore have a voice in the management of the affairs of the University, and he thought the Board would be found to work well more especially as the head of it would have nothing else to do. Another provision was introduced in the bill for protecting the funds of the University from dissipation, they were prevented from expending more than the income in any year and as the Professors would draw a considerable portion of the income for their salaries, the amount deficient would be deducted from the salaries of the different members of the University; and this would cause them to take<sup>20</sup> a direct<sup>21</sup> interest in having the funds of the University managed in an economical manner. The Bill also made provision for making up any deficiency during the first succeeding years, so that those who suffered during one year, would have a chance of getting it made up afterwards. These were the general outlines of the Bill and he hoped<sup>22</sup> if it were received in the same spirit in which he had drawn it up ... that although it might not be possible to settle it as exactly as he would wish, or as any other hon. gentleman could wish, yet that it would put this question at last on a satisfactory footing<sup>23</sup>. He thought nothing could be more important to the country, and for the benefit of the University itself, all sides of the house must agree that it was highly injurious that the question should remain any longer unsettled. It was highly desirable that the question should now be settled, even although it might not be settled according to his views, or to those of any other member if they only met the question with a desire to prevent agitation about it in the future, he thought a great deal might be accomplished and the University might be put upon a footing which would enable it to proceed in a creditable manner to carry out the purpose for which it was founded.<sup>24</sup>

MR. H. BOULTON was very much pleased to hear his hon. friend say the measure which he intended to introduce intended to do away with all denominational characteristics. He thought that the resolution which he had expressed deserved the thanks of the country, but he could not but express his regret at one part of the proposed measure, that was the introduction of parties from other colleges; it appeared to him the University should be entirely and thoroughly denuded of all sectarian characteristics. He looked upon the University in the light of a large common school, for the purpose of giving to the public instruction in the higher classes of learning, totally separate and distinct from any religious education--people might call this godless instruction, but that could not be the case in a Christian country. It always appeared to him that instead of allowing denominational professors to be members of the University, that persons might be introduced, not into the University, but within its walls for the purpose of lecturing upon the doctrines which might be peculiar to any class and by doing so they would free the University of any sectarian character, by that means they would prevent any member of any denomination from saying that it was excluded because it was small, while another was admitted because it was large. His opinion was that if professors of any denomination were allowed to enter the University, it would be considered by those denominations which were not so fortunate or so numerous as to have obtained a charter and established a college, as placing those who had above them. It would be justly regarded as placing the more numerous and wealthy denominations in a position above that of the smaller and poorer ones. This was the only objection he had to the bill. He was glad to hear the opinions expressed by the Attorney General; he did not object to the bill, but he hoped that some attention would

be given to the views he had expressed, as the only way to make the bill satisfactory to them all, was to make no distinction between one portion of the people and another.<sup>25</sup>

MR. COM. CR. LANDS PRICE spoke in answer to the member for Norfolk, whom he said did not appear to entirely understand the bill.<sup>26</sup> ((He)) was glad to find that his hon. friend ... had advanced so many steps in liberalism, since the subject was first discussed. The reason why, it was proposed to go to these Colleges for members of the Senate, was that they were seats of learning; not that they were religious Colleges.<sup>27</sup> The whole bill was just as much opposed to sectarianism as it was possible for to frame it. It was founded upon the great principles of truth and equity, of civil and religious liberty.<sup>28</sup> On the other side it was complained that there were no tests; but tests stopped only honest men; never unscrupulous and dishonest men.<sup>29</sup>

MR. MORRISON was extremely glad to hear the liberal views expressed by the hon. members who had spoken, with the main principles of the bill he cordially agreed, and he hoped the bill would meet with the approval of the house.<sup>30</sup>

MR. ROBINSON thought any discussion upon the bill at that moment was premature. It would be time enough to discuss the bill when it was printed and in the hands of members.<sup>31</sup>

The motion was then put and carried.<sup>32</sup>

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University  
Bill.

*Ordered, That the Honorable Mr. Attorney General  
Baldwin have leave to bring in a Bill to amend  
the Charter of the University established at*

*Toronto by His late Majesty King George the Fourth, to provide for the more satisfactory government of the said University, and for other purposes connected with the same, and with the College and Royal Grammar School forming an appendage thereof.*

*He accordingly presented the said Bill to the House, and the same was received and read for the first time;*

MR. AT. GEN. BALDWIN then ... moved, that it be read this day week.<sup>33</sup>

MR. MACDONALD hoped the hon. member would not fix such an early day; it was impossible in the present state of the roads to communicate with Upper Canada, and receive answers by that day.<sup>34</sup>

MR. AT. GEN. BALDWIN.--What day would the hon. member like?<sup>35</sup>

MR. MACDONALD.--This day fortnight.<sup>36</sup>

((There was)) some little conversation.<sup>37</sup>

MR. AT. GEN. BALDWIN consented to postpone the second reading to this day fortnight.<sup>38</sup>

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*and ordered to be read a second time, on Tuesday, the seventeenth instant.*

Message from  
the Council.

*A Message from the Legislative Council by John  
Fennings Taylor, Esquire, one of the Masters in  
Chancery:--*



Public Debt,  
&c., Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act for the better management of the Public Debt, Accounts, Revenue, and Property," without any Amendment: And also,

Absconding  
Debtors Pro-  
perty Bill.

The Legislative Council have passed the Bill, intituled, "An Act to reduce the expense of proceedings in Upper Canada against the property of absconding or concealed Debtors," with several Amendments; to which they desire the concurrence of this House: And also,

St. Antoine de  
l'Isle aux Grues  
Municipality  
Bill.

The Legislative Council have passed the Bill, intituled, "An Act to detach the Parish of St. Antoine de l'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality," with an Amendment; to which they desire the concurrence of this House: And also,

Interest of  
Money Laws  
Amendment  
Bill.

The Legislative Council have passed a Bill, intituled, "An Act to amend and simplify the Laws relating to the Interest of Money;" to which they desire the concurrence of this House.

And then he withdrew.

The order of the day<sup>39</sup> for the house to go into Committee of the whole on repealing the Tariff of duties now in force and substituting another therefore ... ((was)) read.<sup>40</sup>

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Merritt,

Customs  
Duties.

Resolved, That this House do now resolve itself into a Committee to consider certain Resolutions for repealing the present Tariff of Duties, and for substituting another therefor.

Ordered, That the Petition of William Workman, Esquire, and others, of the City of Montreal; the Petition of Messieurs Greene and Sons, and others, Furriers and Hatters; the Petition of William Robinson, on behalf of a public meeting of the Inhabitants of the Townships of Leeds and Lansdowne; the Petition of Donald M'Intosh, of the Township of Godmanchester, District of Montreal, distiller; the Petition of Mahlon Willett and others, of the County of Chambly; the Petition of A.T. Galt and others, of the County of Sherbrooke; the Petition of George Crawford and others, of the District of Johnstown; and the Petition of James Wadsworth and others, of the County of Ottawa, and others residing on the shores of the River Ottawa and its tributaries, be referred to the said Committee.

The House then resolved itself into the said Committee.

Mr. Richards took the Chair of the Committee;

MR. INSP. GEN. HINCKS said, he had been requested by so many persons to postpone<sup>41</sup> the consideration of<sup>42</sup> this Tariff that he felt bound to do so, and he could therefore only go into Committee now<sup>43</sup> pro-forma<sup>44</sup> for the purpose of allowing the petitions which had been presented on the subject to

be referred to the Committee. He intended to go into the question on Friday, when he hoped that the members would be prepared for the question.<sup>45</sup>

MR. AT. GEN. BALDWIN said that Friday was Good Friday, and the house would not sit on that day, and he would suggest that the house meet on Saturday for the consideration of the question.<sup>46</sup>

MR. H. BOULTON of Norfolk, thought that the Inspector General, when he went into Committee now should give the views of the Government so that the members on both sides might be able to vote on the question, on the day fixed for the consideration of the question, without obtaining any further delay which might be otherwise necessary as it was very difficult for those who were not engaged in commerce to make up their minds on such a difficult subject in a few hours.<sup>47</sup>

Several members objected to the house sitting on Saturday.<sup>48</sup>

MR. AT. GEN. BALDWIN said it would then be better to postpone the question as to whether they should sit on Saturday or not, until to-morrow.<sup>49</sup>

The suggestion of the Attorney General West was agreed to.<sup>50</sup>

MR. CHRISTIE said that in the proposed Tariff he found that all the protection extended to fisheries by the present and former Tariffs was left out; he would therefore give notice, that when the house went into Committee, he would move that the same provisions which were now in force in favour of the fisheries be inserted.<sup>51</sup>

MR. METHOT also gave notice of his intention to move some amendments to the Tariff.<sup>52</sup>

MR. EGAN also gave notice of his intention to move some amendment((s)) in favor of the Lumber Trade.<sup>53</sup>

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, to-morrow.

Montreal Registry Office Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to remedy certain defects in the Registration of Deeds and Instruments relating to Real Property in the

Registry Office at Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. Stevenson, seconded by Mr. Malloch,

Ameliasburgh Survey Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to confirm a certain Survey of the Township of Ameliasburgh, in Upper Canada," be now read the first time.

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The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Thursday next.

MR. HOLMES<sup>54</sup> moved that the Bill from the Legislative Council to amend the laws relative to the interest allowed to be taken on money, be read for a first time.<sup>55</sup>

DR. DAVIGNON said he intended to oppose the Bill in all its stages.<sup>56</sup>

MR. LAURIN also opposed the Bill. The Bill was a far worse one than the Bill they had lately thrown out.<sup>57</sup>

At the suggestion of MR. AT. GEN. LAFONTAINE, the discussion on the bill was postponed until the second reading.<sup>58</sup>

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On motion of Mr. Holmes, seconded by Mr. Morrison,

Interest of  
Money Laws  
Amendment  
Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to amend and simplify the Laws relating to the Interest of Money," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Thursday next.

On motion of Mr. Fournier, seconded by Mr. Dumas,

St. Antoine de  
l'Isle aux Grues  
Municipality  
Bill.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to detach the Parish of St. Antoine de l'Isle aux Grues from the Municipality of L'Islet, and to erect the same into a separate Municipality," be now taken into

consideration.

The House proceeded accordingly to take the said Amendment into consideration; and the same was read, as followeth:--

Press 2, line 13. After "year" insert Clause (A.)

Clause (A.) "And be it enacted, that all By-Laws of the Municipal Council of the now existing Municipality of the said County, shall remain in full force and effect as By-Laws of each of the said two new Municipalities respectively, until altered or repealed by any By-Law to be passed by the said Municipalities respectively; and all monies in the hands of the Secretary-Treasurer of the said Municipality shall, after paying therefrom all debts due by the said Municipality, be divided between the said two new Municipalities in proportion to the amount levied in each respectively."

The said Amendment, being read a second time, was agreed to.

Ordered, That Mr. Fournier do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

On motion of Mr. Fortier, seconded by Mr. Polette,

Bridge Bill of  
A. Archambeault  
and others.

Ordered, That the Bill to authorize Antoine Amable Archambeault, and others, to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned, be re-committed to the

Standing Committee on Road and Bridge Bills.

Public

Mr. Solicitor General Blake moved, seconded by the



Health Bill.

Honorable Mr. Price, That the Order of the day for the third reading of the engrossed Bill from the Legislative Council, intituled, "An Act to make provision for the preservation of the Public Health, in certain emergencies," be now read.

Mr. Speaker called the attention of the House to the 10th Clause of the said Bill, which imposes certain Penalties relating to the prevention or punishment of offenses, it being a case in which, agreeably to the 49th Rule, the House would probably think fit not to insist on their privileges. He also directed attention to the 7th Clause of the Bill, authorizing the proposed Boards of Health to expend certain monies which may be appropriated by Parliament for the purposes of the Act,--said Clause being intended to carry out the intentions of Parliament in granting public money for such purposes, and not actually appropriating the same; and submitted whether it would not be expedient, with a view to expedite the business of the Legislature, that the House should agree to waive its privileges in this instance also.<sup>59</sup>

MR. SOL. GEN. BLAKE moved that in order to advance the public business, that the house do not insist upon its privilege.<sup>60</sup>

MR. PAPINEAU did not see anything which should make them agree so readily to the proposal of the Speaker. It appeared to him to be a very unusual proceeding, and one for which no precedent could be found. He thought they should lay the bill aside.<sup>61</sup>

MR. AT. GEN. BALDWIN read from an extract, an English authority in favour of the proposed course.<sup>62</sup>

SIR A. MACNAB read another authority to show that the house only waived its privileges in cases where the other branches of the Legislature only made trifling alterations or amendments such as filling up blanks, correcting errors, &c. It never waived its right where the bill imposed penalties and appropriated public monies. If the house should waive its privilege on the present occasion, there should be some better reason given for it than was contained in the motion. Some alteration was then made in the motion which was put and carried.<sup>63</sup>

DR. DAVIGNON made some objections to the bill<sup>64</sup>.

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Resolved, That in order to expedite the Public Business, this House, adhering to its declaration on the exercise of its privileges, does not think expedient to insist on them in laying aside the said Bill.

And the Order for the third reading of the said Bill being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be committed to a Committee of the whole House, for to-morrow.

Bill to facilitate  
Actions against  
unincorporated  
Bodies.

Mr. M'Farland reported the Bill to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Societies and Companies; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Bridge Bill of  
A.M. Delisle  
and others.

Mr. Wilson reported the Bill to authorize Alexandre M. Delisle, and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Montreal New  
City Gas Com-  
pany Bill.

Mr. Laurin reported the Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Election Bill.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to amend, consolidate and reduce into one Act the several statutory provisions now in force for the regulation of Elections of Members to represent the People of this Province in the Legislative Assembly thereof, being read; The House accordingly resolved itself into the said Committee.  
Mr. Crysler took the Chair of the Committee;<sup>65</sup>

A discussion arose on different clauses of the bill. SIR A. MACNAB, MR. BADGLEY, and some others objected to that clause providing that there should be four days for polling, as it would have the effect of keeping up the excitement and disturbance of the election an unnecessary length of time. They suggested that it would be better to multiply the number of polling places.<sup>66</sup>

The clause was agreed to.<sup>67</sup>

A long discussion arose on amendment to introduce a clause to grant the right of voting to persons holding promesses de vente; it was held by hon. gentlemen on the ministerial side of the House, that this promesse de vente was sufficient to give the right of voting; while it was contended by hon. gentlemen on the opposite side that it was not.<sup>68</sup>

MR. MCCONNELL said that they could never make the people of the Eastern Townships believe that this was a proper title. He asked if it were so clear a right as hon. gentlemen opposite wished to prove it, why was it not introduced into the bill in the first place. Since he must tell it, the fact was, that the amendment had been proposed, to be introduced by the hon. member for the county of Shefford, Mr. Drummond, who from sickness was absent from the House. There were in the county of Shefford a large number of persons squatting, who had always come forward to vote, but were not allowed as they held no titles. These persons had come forward for Mr. Drummond; and the hon. member for the county of Shefford proposed to introduce the clause, because he wanted it to answer the carrying of his election.<sup>69</sup>

Some other amendments were proposed<sup>70</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Crysler reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, to-morrow.

Real Property  
Conveyances  
Bill.

The Order of the day for the second reading of the Bill for removing doubts as to the legal effect of the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, and intituled, "An Act for rendering valid Conveyances of Lands and other immoveable property held in free and common soccage within the Province of Lower Canada, and for other purposes therein mentioned," and for the greater uniformity of the Law relative to Real Property in Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

School Law  
(L.C.) Bill.

The Order of the day for the second reading of the Bill to amend the School Law of Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Savings  
Banks Bill.

The Order of the day for the second reading of the Bill to amend the Law relating to Savings Banks, being read;

Ordered, That the Bill be read a second time, to-morrow.

Quebec Trinity  
House Bill.

The Order of the day for the second reading of the  
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Bill to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes, being read;

Ordered, That the Bill be read a second time, to-morrow.

Official  
and Legal  
Notices Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to provide for the insertion of certain Official and Legal Notices in the Canada Gazette only,"

being read;

Ordered, That the Bill be read a second time, to-morrow.

Court of  
Chancery  
(U.C.) Bill.

The Order of the day for the second reading of the Bill for the more effectual Administration of Justice in the Court of Chancery of the late Province of Upper Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Superior  
Criminal  
Court and  
Court of Error  
and Appeal  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to make further provision for the Administration of Justice, by the establishment of a Superior Criminal Court of Common Law, and also a Court of Error and Appeal in Upper Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time, to-morrow.

Law of  
Evidence  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to improve the Law of Evidence in Upper Canada, being read;



Ordered, That the Bill be read a second time, to-morrow.

Naturalization  
of Aliens Bill.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," being read;

Ordered, That the Bill be read a second time, to-morrow.

Land Survey-  
ors' Bill.

The Order of the day for the second reading of the Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in this Province, being read;

Ordered, That the Bill be read a second time, to-morrow.

Public Lands  
Management  
Bill.

The Order of the day for the second reading of the Bill to amend an Act therein mentioned, and to make other provisions for the management and disposal of the Public Lands, and to limit the period for making free grants, being read;

Ordered, That the Bill be read a second time, to-morrow.

Indemnity to  
Members.

The Order of the day for the House in Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Offenders'  
Treaty Bill.

The Order of the day for the House in Committee on the Bill for better giving effect, within this Province, to a Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain Offenders, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Supply.

The Order of the day for the House in Committee of Supply, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Municipal  
Corporations,  
&c., (U.C.)  
Repeal Bill.

The Order of the day for the House in Committee on the Bill to repeal the Acts in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, the regulation of Highways, the Assessment and collection of local Taxes, and other matters of a like nature, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Municipal  
Corporations  
(U.C.) Bill.

The Order of the day for the House in Committee on the Bill to provide, by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Assess-  
ment Bill  
(U.C.)

The Order of the day for the House in Committee on the Bill to establish a more equal and just system of Assessment in the several Townships, Villages, Towns, and Cities in Upper Canada, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

County Division  
(U.C.) Bill.

The Order of the day for the House in Committee on the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolutions of such Unions as the increase of wealth and population may require, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Court of  
Appeals and  
Criminal  
Jurisdiction  
(L.C.) Bill.

The Order of the day for the House in Committee on the Bill to establish a Court having jurisdiction in Appeals and Criminal matters for Lower Canada, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Courts of Civil  
Jurisdiction  
(L.C.) Bill.

The Order of the day for the House in Committee on the Bill to amend the Laws relative to the Courts of Original Civil Jurisdiction in Lower Canada, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Gaspé Judica-  
ture Bill.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the Administration of Justice in Gaspé, being read;

Ordered, That the said Order of the day be postponed till to-morrow.

Quebec Ware-  
housing Com-  
pany Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Quebec Warehousing Company, being read;

Ordered, That the said Order of the day be postponed till Thursday next; and that it be then the second Order of the day.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till Thursday next.

Then, on motion of the Honorable Mr. Robinson, seconded by Mr. Richards, The House adjourned.

APPENDIX: 3 APRIL 1849.

((ACCOUSTICAL PROBLEMS IN THE HOUSE.))<sup>71</sup>

COL. GUGY called the attention of the house to the necessity of some alteration being made in the house, so that speakers could be heard better. The members on his side could not hear the members opposite when they spoke.<sup>72</sup>

MR. COM. CR. LANDS PRICE.--We hear you.<sup>73</sup>

COL. GUGY.--Well that was some consolation to the members on his side who were in the habit of speaking, but they could not make themselves heard without using great exertion.<sup>74</sup>

After some conversation, the matter was left in the hands of the Committee on Contingencies.<sup>75</sup>



FOOTNOTES: 3 APRIL 1849.

1. The debate on this motion was reported by: MONTREAL GAZETTE, 4 April 1849, BRITISH COLONIST, 10 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts; PILOT, 4 April 1849, MORNING CHRONICLE, 9 April 1849, BRITISH WHIG, 9 April 1849, GLOBE 11 April 1849, PROVINCIALIST, 12 April 1849, BATHURST COURIER, 20 April 1849, and BROCKVILLE RECORDER, 26 April 1849, in identical accounts, except that BRITISH WHIG's account of Baldwin's speech is abbreviated; and LA MINERVE, 5 April 1849, PILOT, 4 April 1849, and LE JOURNAL DE QUEBEC, 7 April 1849, noted the debate. When necessary the HAMILTON SPECTATOR and MORNING CHRONICLE was used instead of the MONTREAL GAZETTE and the PILOT.
2. HAMILTON SPECTATOR, 11 April 1849.
3. MORNING CHRONICLE, 9 April 1849.
4. HAMILTON SPECTATOR, 11 April 1849.
5. MORNING CHRONICLE, 9 April 1849.
6. HAMILTON SPECTATOR, 11 April 1849.
7. MORNING CHRONICLE, 9 April 1849.
8. HAMILTON SPECTATOR, 11 April 1849.
9. MORNING CHRONICLE, 9 April 1849.
10. HAMILTON SPECTATOR, 11 April 1849.
11. MORNING CHRONICLE, 9 April 1849.
12. HAMILTON SPECTATOR, 11 April 1849.
13. MORNING CHRONICLE, 9 April 1849.
14. HAMILTON SPECTATOR, 11 April 1849.
15. MORNING CHRONICLE, 9 April 1849.
16. HAMILTON SPECTATOR, 11 April 1849.
17. MORNING CHRONICLE, 9 April 1849.
18. HAMILTON SPECTATOR, 11 April 1849.
19. MORNING CHRONICLE, 9 April 1849.
20. HAMILTON SPECTATOR, 11 April 1849.
21. MORNING CHRONICLE, 9 April 1849.
22. HAMILTON SPECTATOR, 11 April 1849.
23. MORNING CHRONICLE, 9 April 1849.
24. HAMILTON SPECTATOR, 11 April 1849.
25. IBID.
26. IBID.
27. MORNING CHRONICLE, 9 April 1849.
28. HAMILTON SPECTATOR, 11 April 1849.
29. MORNING CHRONICLE, 9 April 1849.
30. HAMILTON SPECTATOR, 11 April 1849.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. The debate on this matter was reported by: MONTREAL GAZETTE, 4 April 1849, BRITISH COLONIST, 10 April 1849, and HAMILTON SPECTATOR, 11 April

1849, in identical accounts; PILOT, 4 April 1849, and GLOBE, 11 April 1849, which both gave very brief identical accounts; and BROCKVILLE RECORDER, 5, 12, April 1849, which acknowledged MONTREAL TRANSCRIPT as its source. The HAMILTON SPECTATOR was used instead of the MONTREAL GAZETTE.

40. HAMILTON SPECTATOR, 11 April 1849.
41. IBID.
42. PILOT, 4 April 1849.
43. HAMILTON SPECTATOR, 11 April 1849.
44. PILOT, 4 April 1849.
45. HAMILTON SPECTATOR, 11 April 1849.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. The debate on this motion was reported by: MONTREAL GAZETTE, 4 April 1849, BRITISH COLONIST, 10 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts. The HAMILTON SPECTATOR was used instead of the MONTREAL GAZETTE.
55. HAMILTON SPECTATOR, 11 April 1849.
56. IBID.
57. IBID.
58. IBID.
59. This matter was reported by: MONTREAL GAZETTE, 4 April 1849, BRITISH COLONIST, 10 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts. PILOT, 4 April 1849, and GLOBE, 11 April 1849, noted the debate identically.
60. HAMILTON SPECTATOR, 11 April 1849.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. The debate on this matter was reported by: MONTREAL GAZETTE, 4 April 1849, BRITISH COLONIST, 10 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts. PILOT, 4 April 1849, and GLOBE, 11 April 1849, noted the debate identically. PILOT, 4 April 1849, and BATHURST COURIER, 13 April 1849, commented identically that "An incredible amount of valuable time was wasted in useless talking." LA MINERVE, 5 April 1849, commented that: "On a discuté plusieurs points de loi d'une importance assez grande, spécialement pour les hommes de loi, mais aussi on a beaucoup parlé pour rien."
66. MONTREAL GAZETTE, 4 April 1849.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. This matter was reported by: MONTREAL GAZETTE, 4 April 1849, and HAMILTON SPECTATOR, 11 April 1849, in identical accounts. The HAMILTON

SPECTATOR was used instead of the MONTREAL GAZETTE.

- 72. HAMILTON SPECTATOR, 11 April 1849.
- 73. IBID.
- 74. IBID.
- 75. IBID.



WEDNESDAY, 4 APRIL 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Chabot,--The Petition of the Mayor and Councillors of the City of Quebec (Cul de Sac); the Petition of H. Gowen, Esquire, and others, Citizens of Quebec.

By Mr. Laurin,--The Petition of George Thomas dit Bigaouette, Prefect, and others, Officers and Members of the Congrégation des hommes de St. Roch de Québec.

Hamilton and  
Gore Mechan-  
ics Institute  
Bill.

An engrossed Bill to incorporate the Hamilton and Gore Mechanics' Institute, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Wetenhall do carry the Bill to the Legislative Council, and desire their concurrence.

Mutual and  
General In-  
surance Bill.

An engrossed Bill to incorporate the Provincial, Mutual and General Insurance Company, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

Mount Hermon  
Cemetery Bill.

An engrossed Bill to incorporate "The Mount Hermon Cemetery," was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Bill to facilitate  
Actions against  
unincorporated  
Bodies.

An engrossed Bill to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Societies and Companies, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Kenneth Cameron, and others, of the Township of Thora, Home District; praying that the said Township may remain, as at present, a part of the Fourth Riding of the County of York, in the said District.

Of A.G. Ruel, Esquire, Notary Public, and Registrar of the County of Rimouski; praying that no division of the said County for purposes of Registration may take place, and that he be allowed to practise his profession in case the Bill relating to the Notarial Profession be passed into law, notwithstanding his filling the said office.

Of John Crawford, Esquire, and others, of the Town of Brockville; praying that the limits of the said Town be not extended.

Of the Quebec Board of Trade; praying that the Bill to amend the Act regulating the inspection of Lumber, be not passed into a law.

Of the Quebec Board of Trade; praying that the Bill to encourage Ship-building in Lower Canada be not passed into a law.

Of John P. Roblin, Esquire, and others, of the Township of Hallowell, District of Prince Edward; praying for certain amendments to the law regulating the granting of Tavern Licences, and for the adoption of certain other measures for the suppression of Intemperance.

Of Messieurs Provan and Anderson and others, Merchants, and others, of Quebec, interested in the Deal trade of this Province; praying for the passing of the Bill to amend the Act relative to the Inspection of Lumber.

Of the Mayor, Aldermen, and Citizens of the City of Montreal; praying for certain amendments to the Act incorporating the said City (8 Vic. c.59), and for the consolidation of the said Act with certain other Acts amending the same.

Of the Mayor, Aldermen, and Citizens of the City of Montreal; praying more adequate compensation for the site of the Custom House at the said City.

Petition of  
S. Fraser  
and others;

Of J. Whiteford  
and others;

Of J. Crawford  
and others;

Ordered, That the Petition of Simon Fraser, Esquire, and others, of Bytown; the Petition of James Whiteford, Esquire, and others, Members of the Board of Police of the Town of Belleville; and the Petition of John Crawford, Esquire, and others, of the Town of Brockville, be referred to the Select Committee appointed to enquire into the limits of the different Cities, Towns, and Villages in Upper Canada, and other references.

Of J. Keenan  
and others;

Ordered, That the Petition of John Keenan and others, Officers and Members of Fire Companies, be referred to the Select Committee to which is referred the Petition of George S. Wilkes and others, Officers and Members of the Brantford Hook and Ladder Company Number One, and other references.

Of the Co-  
bourg Road  
Company,  
referred.

Ordered, That the Petition of the Cobourg and Grafton Road Company be referred to the Standing Committee on Standing Orders.

Report on  
Petition of  
G.S. Wilkes  
and others.

Mr. Smith, of Wentworth, from the Select Committee to which was referred the Petition of George S. Wilkes and others, Officers and Members of the Brantford Hook and Ladder Company Number One, and other references, presented to the House the Report of the said

Committee; which was read, as followeth:--

Your Committee have examined the Petitions of George S. Wilkes and others, of Henry Groves and others, and John Perrigo and others, Officers and Members of Fire Companies in different parts of the Province, praying that in consideration of their arduous and hazardous duties, the Members of Fire Companies may be exempt, after seven years service, from serving as Jurymen, Constables or Militiamen in time of peace, and all other Parish or Town Offices during the remainder of their lives. After a due consideration of these Petitions, Your Committee are of opinion that it is expedient to grant the prayer thereof, with the exception of so much of the same as relates to exempting Firemen from serving as Jurors.

Bill to exempt  
Firemen from  
certain duties.

Ordered, That Mr. Smith, of Wentworth, have leave to bring in a Bill to exempt Firemen, after a certain number of years of service as such, from Militia and other duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday, the twelfth instant.

St. Andrew's  
Church Bill.

Mr. Holmes reported from the Select Committee on the Bill to incorporate "The Minister and Trustees of St. Andrew's Church, Montreal," That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for to-morrow.

Report on  
Petition of

Mr. Johnson, from the Select Committee to which was referred the Petition of James P. Wells and  
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J.P. Wells  
and others.

Ottawa Dis-  
trict Grammar  
School House  
Bill.

others, Trustees of the Grammar School for the District of Ottawa, with power to report by Bill or otherwise, presented to the House, a Bill to enable the Trustees of the Ottawa District Grammar School to sell the present School House, and apply the funds arising from the sale thereof towards purchasing a new site, and erecting a new School House in the Town of L'Orignal, which was received and read for the first time; and ordered to be read a second time, on Monday next.

Sixth Report  
of Committee  
on Railroad  
and Telegraph  
Line Bills.

Sir Allan N. MacNab, from the Standing Committee on Railroad and Telegraph Line Bills, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to extend the Charter of the Montreal and Lachine Railroad Company, to authorize them to continue the said Railroad, and for the incorporation of the St. Lawrence and Ottawa Grand Junction Railroad Company, referred to them, and respectfully submit, that they cannot recommend the same.

Petition of  
Provan and  
Anderson  
and others.

Ordered, That the Petition of Messieurs Provan and Anderson and others, Merchants, and others, of Quebec, interested in the Deal trade of this Province, be printed for the use of the Members of this House.

On motion of Mr. Holmes, seconded by Mr. Watts,

City Bank  
Act Amend-  
ment Bill.

Ordered, That the Bill to amend the Act incorporating the City Bank, and to provide for a reduction of its Capital Stock, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Absconding  
Debtors Pro-  
perty Bill.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An Act to reduce the expense of proceedings in Upper Canada against



the property of absconding or concealed Debtors," be now taken into consideration.

The House proceeded accordingly to take the said Amendments into consideration; and the same were read, as follow:--

Press 1, line 21. After "repealed" insert "Provided always, that notwithstanding the repeal of the said Section, any notice inserted before the passing of this Act, under the provisions of the said Section, may be continued in the same way and for the same time, and with the same effect, as if this Act had not been passed."

Press 1, line 25. After "Debtor" insert "as to whom he shall not have already caused the notice hereinafter mentioned to be published under any Writ issued within six months next preceding the date of such Writ."

Press 1, line 26. Leave out from "notice" to "to" in line 27.

Press 2, line 1. Leave out "twelve" and insert "six."

Press 2, line 2. Leave out "first;" and after "attachment" insert "in virtue of which such notice shall be so published."

Press 2, line 9. Leave out "twelve" and insert "six."

Press 2, line 10. Leave out "first."

Press 2, line 12. After "Debtors" insert "in virtue of which such notice shall be so published."

Press 2, line 17. After "always" insert "that the Defendant in any attachment shall be entitled to three calendar months from the day of the issuing thereof, to give the Bond mentioned in the fourth and fifth Sections of the hereinbefore mentioned Act: and provided also."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Smith, of Durham, do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

On motion of Mr. Holmes, seconded by Mr. Mongenais,

Lake St. Louis  
and Province  
Line Railway  
Bill.

Ordered, That the Bill to amend the Act incorporating the Lake St. Louis and Province Line Railway Company, be referred to the Standing Committee on Railroad and Telegraph Line Bills.

MR. LAURIN moved leave to introduce a Bill to amend the Act for the Summary Trial of Small Causes. He argued that the country was tired of them.<sup>1</sup>

DR. DAVIGNON suggested that the hon. member had better defer his motion until the Judicature Bill had been passed.<sup>2</sup>

MR. LAURIN would not.<sup>3</sup>

MR. FOURNIER, at some length, argued that the Commissioners' Courts had some faults, but that the country preferred them to nothing.<sup>4</sup>

The motion was granted.<sup>5</sup>

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Small Causes  
(L.C.) Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act for the summary decision of Small Causes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Report on  
Petitions  
of J. Clark.

Mr. M'Farland, from the Select Committee to which were referred the two Petitions of John Clark, Esquire, on behalf of the Niagara District Agricultural Society, and another reference, presented to the House the

Report of the said Committee; which was read, as followeth:--

Your Committee have, in obedience to the Order of reference, examined the contents of the Petitions of the President of the Niagara District Agricultural Society, praying for certain amendments to the Act for the encouragement of Agriculture and Agricultural Societies throughout Upper Canada, as also the Petition of the Provincial Agricultural Association of Canada West, praying that an appropriation may be made from the public funds for the encouragement of the objects for which the Association was established.

Your Committee, upon a careful consideration of the prayer of the Petitioners of the Niagara District Agricultural Society, have agreed that an alteration is desirable in so far as regards the distribution of the annual grant from the public funds; and suggest, in amendment to the present Act in this particular, that the appropriation be equally divided among and unconditionally paid to the several County Societies throughout the Province of Upper Canada, two-thirds of which amount shall be equally divided among the organized Township Societies of the County, provided that twenty-five per cent of the share so allowed be raised by the members of such Township Societies, and any amount remaining, and not so appropriated or paid over to the Township Societies as above provided, any form a part of the funds belonging to, and subject to the disposal of such County Society.

Your Committee would also recommend that County Societies may be invested with authority to make such rules and regulations as they may see fit for their guidance and well-being; provided that such rules or regulations shall not interfere with the privileges granted to the Township Societies, respectively, situated within their limits.

Your Committee would further suggest, that the members of the Township Societies may be allowed to compete at the County Fairs or Shows in which such Township is situate, without any charge whatever by the County Society; by which privilege the inhabitants of the rural or thinly settled Townships will be benefitted, although unable to avail themselves in any other way, of the public appropriation.

Your Committee, in reference to the Petition of the Provincial Association, gladly avail themselves of an opportunity to express their anxious desire for the prosperity of an Institution with which is identified the most important interests of the Province; and, therefore, unanimously recommend that Your Honorable House will favorably consider any appropriation of the public monies that may be proposed for the encouragement of the ob-

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jects of this important Association, and also, that such appropriation may be extended in an equal share to a similar Association established in Lower Canada, as Your Committee conceive that the interests of Agriculture are alike important to both sections of the Province.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the said Report be committed to a Committee of the whole House, for Monday next.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz.:--

Militia Muster  
(U.C.) Bill.

Bill, intituled, "An Act to alter the day on which the Militia shall annually assemble for muster and discipline in Upper Canada:"

Hallowell and  
Sophiasburgh  
Boundary Line  
Bill.

Bill, intituled, "An Act to alter the boundary line between the Townships of Hallowell and Sophiasburgh, in the District of Prince Edward:"

Clergymens'  
Returns Bill.

Bill, intituled, "An Act to substitute Yearly Returns for the Quarterly Returns required of Clergymen and others, by the sixteenth section of the Census

Act:" And also,

Criminal Jus-  
tice Bill.

The Legislative Council have passed a Bill, intituled, "An Act for the removal of defects in the Administration of Criminal Justice;" to which they desire the concurrence of this House: And also,

Railroad Com-  
panies Bill.

The Legislative Council have passed a Bill, intituled, "An Act to make certain general provisions with regard to the services which the Government may require of Railroad Companies, whose Acts of Incorporation make them subject to such general provisions:" to which they desire the concurrence of this House: And also,

Thompson and  
Jessup's Re-  
lief Bill.

The Legislative Council have passed a Bill, intituled, "An Act for the relief of Joseph Richard Thompson and Henry Jessup:" to which they desire the concurrence of this House.

And then he withdrew.

On motion of the Honorable Mr. Price, seconded by the Honorable Mr. Cameron, of Kent,

Thompson and  
Jessup's Re-  
lief Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act for the relief of Joseph Richard Thompson and Henry Jessup," be now read the first time.

The Bill, was accordingly read the first time.

Ordered, That the Bill be read a second time, on Monday next.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Cameron, of Kent,

Public Works  
Management  
Bill.

Resolved, That this House do now resolve itself into a Committee, to consider the propriety of amending the Act relating to the management of the Public Works.

The House accordingly resolved itself into the said Committee.



*Mr. Armstrong took the Chair of the Committee;*<sup>6</sup>

MR. INSP. GEN. HINCKS stated, that the object of the Resolutions was to give the Governor in Council the power of regulating and having tolls on all merchandise, whether coming through the river or the canals.<sup>7</sup> Under the present system, tolls were only charged on goods passing the canals, so that a large quantity of products came down by the river without any charge. The consequence was that to raise the revenue which it was desirable to draw from the canals, it was now necessary to charge heavily the whole amount on the up freight.<sup>8</sup> A considerable mistake was at present prevalent, that it was intended to levy the rates mentioned in the Resolutions<sup>9</sup>. The rates proposed in the bill, were not the rates to be charged, but the maximum rates beyond which the Government could not go. It would be seen, in reference, that the rates of tolls were much the same as at present, and on the principal article--flour, it was not intended to augment the tolls at all. The present scale was simplified.<sup>10</sup> Another feature had reference to the tolls on public roads, and the principle proposed, had received the sanction of the House already. It was to cause tolls to be paid each time<sup>11</sup> they passed the gate, instead of once in twenty-four hours, as at present<sup>12</sup>, and it was not intended that the full revenue should be increased by this means. He concluded by moving the first Resolution.<sup>13</sup>

MR. ROBINSON asked if 7s. 6d. per ton was the maximum rate of tolls under the last Act for merchandise through the Welland Canal.<sup>14</sup>

MR. G. SHERWOOD (Brockville) was happy to hear the statement of the Hon. Inspector General, because he (Mr. S.) had been under the impression that it was the intention to increase the rate of tolls. He thought it best to have the rate of tolls as low as possible.<sup>15</sup> He would now suggest to the hon. member, the propriety of exempting from toll, all goods coming by those vessels originally built for the Rideau Canal. Those vessels would soon be worn out, and in the meantime, it was most desirable to give them some advantage in their competition with the present large vessels.<sup>16</sup>

MR. PRES. EX. COUN. MERRITT's remarks were nearly inaudible to us. We understood him to answer the hon. member for Simcoe, that the toll on merchandise, under the last Act, was 5s. per ton. It was not the intention to impose as high a rate as 7s. 6d. before the canals were completed.<sup>17</sup> ((He)) believed that when this was understood it would be approved by all parties. The intention was to do, as they did on the Erie Canal, put tolls on as high as the trade would bear. If it was found necessary the tolls on the other side were lowered and so they would be here. The highest rate which it was intended to charge on flour was 3d. or even 2d.--The bill merely gave power to the Government<sup>18</sup> as was the case in the State of New York,<sup>19</sup> to exercise no judgment in imposing suitable tolls. On the other side of the water, the tolls up could be raised to \$7½. Here all that was proposed as the maximum was \$1½. The object would be to make our route cheaper than the other; any thing else would be absurd.<sup>20</sup>

SIR A. MACNAB did not understand why Government should come down to the House, and ask for a power they did not want to use.<sup>21</sup>

MR. PRES. EX. COUN. MERRITT said, that some kinds of light goods, which went up the country, would bear a high rate of toll, and it was necessary to give them that discretion.<sup>22</sup>

MR. ROBINSON said a few words which were inaudible to us.<sup>23</sup>

MR. INSP. GEN. HINCKS said, the objection to the last Act, was that it went into the minute classification.<sup>24</sup> ((He)) repeated that 7s. 6d. would be the maximum rate. He did not think it desirable to go into details at present; but he would mention that hams and bacon were charged 6s. 8d. last season<sup>25</sup> which was more than the maximum rate of merchandise at 5s. It was necessary to give 7s. 6d. to cover the maximum of every article.<sup>26</sup>

MR. THOMPSON did not understand the Hon. Inspector-General, and wished to know if it was the intention of Government to increase the rate of tolls.<sup>27</sup>

MR. INSP. GEN. HINCKS said no.<sup>28</sup>

MR. THOMPSON continued; he thought it would be better not to do so, as it would have the effect of driving away all the freight from our waters. He would rather reduce the rate of tolls.<sup>29</sup>

MR. INSP. GEN. HINCKS thought that if it were desirable to have a revenue from the canals at all, it was desirable that it should fairly distributed over the whole trade, and not as now, levied merely on the up trade.<sup>30</sup> It was the intention to make Flour, coming down from the far West, pay something towards paying the public works. At present, it paid nothing; their object was to equalize the rates. He believed forwarders were satisfied with the rates proposed.<sup>31</sup>

MR. THOMPSON said forwarders made the public pay, and it was a matter of indifference to them. It was not the true policy to increase the tolls.<sup>32</sup>

MR. INSP. GEN. HINCKS said a few words, which were inaudible to us, from noise under the Reporters' box.<sup>33</sup>

MR. PRES. EX. COUN. MERRITT recollected<sup>34</sup> that some description of light goods were charged three dollars (upwards) last year. He thought that 7s. 6d. as a maximum rate would cover all descriptions of goods.<sup>35</sup> He thought the effect of the present measure would be to reduce tolls to one half the present price.<sup>36</sup>

MR. CAYLEY was in favor of putting a moderate rate on both upward and downward freight.<sup>37</sup> OR MR. CAYLEY was in favour of putting a fair toll on down freight. It would not raise the price of carrying, because at present forwarders had to pay such high tolls going up, that they were forced to add to the freight of goods coming down. His impression was, that this would favour the trade on the whole route.<sup>38</sup> He was satisfied that a high rate would have the effect stated by the hon. member for Haldimand.<sup>39</sup>

((There were)) a few more words from other hon. members<sup>40</sup>.

The Resolutions were all passed without amendment.<sup>41</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Armstrong reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be received to-morrow.*

*Petition of*

*Ordered, That the Petition of Charles Robertson and*

C. Robertson  
and others.

others, of the Parish of St. Joseph Pointe Lévy,  
be printed for the use of the Members of this  
House.

Joint Stock  
Road Com-  
panies Bill.

Mr. Wilson reported the Bill to authorize the for-  
mation of Joint Stock Companies in Upper Canada, for  
the construction of Plank, Gravelled, or Macadamized  
Roads therein; and the amendments, as far as Clause

(C.) were read, and agreed to.

Clause (C.) The next amendment being read a second time, and the Ques-  
tion being put, That this House doth agree with the Committee in the said  
amendment:--It passed unanimously in the Negative.

Then the subsequent amendment, being read a second time, was agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

School Law  
(L.C.) Bill.

The Order of the day for the second reading of  
the Bill to amend the School Law of Lower Canada,  
being read;<sup>42</sup>

In moving the second reading of this bill, MR. AT. GEN. LAFONTAINE said  
he would gladly receive any amendments when the bill should be in committee.<sup>43</sup>

MR. DEWITT would take that opportunity of proposing some alterations.  
He had presented several petitions against the bill, which was highly objec-  
tionable in many particulars.<sup>44</sup> He would vote for the second reading, but  
would propose considerable amendments in Committee.<sup>45</sup>

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The Bill was accordingly read a second time; and committed to a Committee  
of the whole House, for Tuesday next.

Quebec Trinity  
House Bill.

The Order of the day for the second reading of  
the Bill to consolidate the Laws relative to the powers  
and duties of the Trinity House of Quebec, and for  
other purposes, being read;<sup>46</sup>

MR. AT. GEN. LAFONTAINE moved the second reading of a Bill to consolidate  
laws relative to the Trinity House, Quebec.<sup>47</sup>

MR. CHRISTIE was not aware that there were any Petitions for the present  
Bill, except from<sup>48</sup> a few Pilots.<sup>49</sup> He would not oppose the motion, but<sup>50</sup>  
he had some objections, which he could not pass over in silence<sup>51</sup>, which he  
should urge in committee.<sup>52</sup> It seemed the intention of government to over-  
load them with government measures. This Session<sup>53</sup> there was a sufficient  
number of measures to occupy a House of twice the talent and twice the capa-  
city for business possessed by the present one for twenty years. They were  
making a complete revolution in the constitution of the country. He went  
through a list of the measures which were just at present before the House,  
and commented as he proceeded on the revolution each measure was calculated  
to make in the existing laws of the country.<sup>54</sup> There was the Tariff, Canal  
Tolls, three Judicature Bills in Canada East, one in Canada West, an Execu-  
tion Bill<sup>55</sup> which they were about to pass<sup>56</sup> of a most revolutionary character<sup>57</sup>  
((which)) would do the greatest injustice to the country. It provided that  
a man should not vote out of the county in which he resided; it was against  
every principle of justice.<sup>58</sup> Then there were sanitary laws, municipal laws,  
election laws, and<sup>59</sup> the Representation Bill, which, if it had been passed,



would have been a reform indeed! Then, the Legislative Council, they had thrown in 12 members at once, for the purpose of forcing their measures--it was a greater number than had ever been thrown into the House of Lords at one time. The hon. gentleman proceeded to observe that they were going to revolutionize almost all the laws of the country. No changes in the laws referring to Trinity House had been called for by the merchants of the country, and they were going to turn them tipsy turvy at the suggestion of the Pilots. He commented in strong terms on the manner in which they intended to deal with the Harbor Master<sup>60</sup> Captain Boxer, a gentleman who had long served his country especially at Acre<sup>61</sup>. There was not one individual in Trinity House could be put in comparison with that gentleman, in all matters connected with the navigation of the river<sup>62</sup> to be placed under the control of gentlemen who knew nothing whatever of nautical affairs.<sup>63</sup> The whole tendency of their ministers had been towards revolution.<sup>64</sup> Then there was the bill to abolish the Quebec Gazette and to give the printing to some gentlemen in Montreal who had allowed within the last year some £2,500, for mere advertising, besides what they obtained from private individuals, and in addition to that some £15,000 or £20,000 for government printing--who held an office more valuable than that of the Gov. Gen. In fact he thought under Responsible Government that the office of the Governor General was very much of a farce<sup>65</sup>, a complete sinecure<sup>66</sup>, and hoped Her Majesty's Government would shortly do the colony the favour to recall him. Then there was the bill for naturalizing aliens, he supposed in order that an American army of sympathisers might one day be brought over to conquer our independence.<sup>67</sup> After mentioning several other measures the hon. gentleman was on the point of sitting down<sup>68</sup>.

MR. AT. GEN. BALDWIN said the hon. gentleman had forgotten the Rebellion Losses from his enumeration.--<sup>69</sup>

Laughter from the Ministerial side.<sup>70</sup>

MR. CHRISTIE said, yes,<sup>71</sup> there was the Rebellion loss bill, he was sorry to say, (laughter)--<sup>72</sup> he had forgotten the rebellion losses, which had been alluded to as a farce the other day, it was a measure which, if passed and<sup>73</sup> if His Excellency should want discretion so much as to assent to it, he feared would in spite of the laughter of hon. members<sup>74</sup> inevitably lead to a rebellion more disastrous in its results and more sanguinary than that of 1837. He hoped that the Governor General would have the good sense not to put his name to the Bill, or the farce might end in a tragedy.<sup>75</sup>

MR. CAMERON.--Will he be assassinated then. (Laughter.)<sup>76</sup>

MR. CHRISTIE.--Who mentions assassination? He indignantly spurned the idea of assassination, and was astonished to hear such an expression fall from the lips of one of Her Majesty's Ministers.<sup>77</sup> Assassination? No! such a thought never entered a British heart.<sup>78</sup> It was an idea that was spurned by every man of British blood; but there<sup>79</sup> was another and a legitimate means of getting rid of him which he hoped would be put in practice, by Her Majesty's Government in England.<sup>80</sup>

MR. CAMERON.--But that will be no tragedy, it will be a common occurrence.<sup>81</sup>

MR. CHRISTIE.--He spurned with contempt a Ministry who could speak of assassination.<sup>82</sup>

Ironical cheers and laughter from the Ministerial benches.<sup>83</sup>

MR. CHRISTIE.--Hon. members might sneer and smirk, but they would not always do so; and he could tell hon. gentlemen opposite that if this measure was carried out, it would inevitably lead to rebellion.<sup>84</sup>

MR. CAYLEY thought they should have printed the Report of the Special Committee, on the Navigation of the St. Lawrence below Quebec, and thought it better to have the measure postponed.<sup>85</sup>

MR. EGAN said that shipping would soon arrive at Quebec, and he thought it would be better to bring the measure in at once.<sup>86</sup>

MR. AT. GEN. LAFONTAINE we were unable to hear distinctly. We understood him to say that he had noted well the words of the hon. member for Gaspé and declared that he would do all that he could to maintain the public peace.<sup>87</sup> He then proceeded to deny the statement of the hon. member for Gaspé that the Bill was not sought for by the merchants of the country, or any other person, but a few pilots below Quebec<sup>88</sup> and that they had consulted with the Trinity House.<sup>89</sup>

MR. CHRISTIE did not say that this was not the case.<sup>90</sup> The hon. gentleman had mistaken him.<sup>91</sup> The Chairman of the Trinity House he had seen some days ago, and<sup>92</sup> ... ((he)) had been anxious that the Bill should be passed, and had been to Montreal intriguing with the Government; and he was also aware that Capt. Boxer--who should have been consulted as being more than any man perhaps in the Province competent to judge of the merits of the Bill--had heard nothing of the proposed alterations to take place.<sup>93</sup> He did not say that the Board of Trade had not been consulted. He had said there were no Petitions, except from the Pilots.<sup>94</sup>

MR. AT. GEN. LAFONTAINE proceeded to observe that he did not say that the measure was perfect in all its details, and that it was generally called for. Capt. Boxer had been consulted, but they were not going to stop the measure because it did not meet his views.<sup>95</sup>

MR. CHRISTIE said that it must have been within the last eight or ten days.<sup>96</sup>

MR. CHABOT thought that there could be but one opinion respecting amending and consolidating the present laws of the Trinity House. He would propose some amendments to the present Bill, in Committee, and state his views. He thought the Pilots as much interested in the matter as others, and that the different interests should be balanced.<sup>97</sup>

MR. CAUCHON would not vote on the present Bill, as he was interested, having been consulted professionally upon it. He proceeded to speak in explanation of the Bill.<sup>98</sup> ((He)) defended the bill on these points. He said it might perhaps be sufficient for the purpose of conducting vessels, that the pilots should know how to speak English and French; but at the present all acknowledge the importance of instruction; and a pilot had, in his presence, taken a common piece of paper believing it was the order for his pay. That was done to show the necessity of this knowledge, and it was generally admitted by the pilots themselves. At any rate the pilots who had already passed were not affected by this rule; it applied only to those who might hereafter have to pass.<sup>99</sup> He urged that it should be immediately passed, as the navigation would soon open.<sup>100</sup>

MR. CHRISTIE agreed that it was necessary that the present laws should be consolidated. He thought that if the Bill were referred to a Special Committee it might come out a good one.<sup>101</sup> He should propose several amendments in Committee.<sup>102</sup>

MR. AT. GEN. LAFONTAINE had no objections to amendments.<sup>103</sup>

DR. LATERRIERE made a number of remarks against certain parts of the bill especially those which required that the apprentice pilots should go certain voyages by sea, and should understand how to read and write both languages<sup>104</sup>, and thought amendments might be made much better in a Special than in a General Committee.<sup>105</sup>

The motion was carried.<sup>106</sup>

(210)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.*

Naturalization  
of Aliens Bill.

*The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the naturalization of Aliens," being read;<sup>107</sup>*

MR. PRES. EX. COUN. MERRITT moved the second reading<sup>108</sup>

(210)

*The Bill was accordingly read a second time; and committed to a Committee of the whole House.*

Resolved, That this House will immediately resolve itself into the said Committee.

*The House accordingly resolved itself into the said Committee.*

*Mr. Fergusson took the Chair of the Committee;*

MR. PRES. EX. COUN. MERRITT said the object of the present bill was to give facilities to foreigners now settled in the country. The operation of the bill was to have the rules by which they can become naturalised published in the Gazette. Now that would be an expense without any advantage. Since the Union, he found there were but about 60 or 70 persons who had become naturalised. The other object of the bill was to allow all who had lived in the country since the Union to become naturalised on taking the oath of allegiance before the Quarter Sessions; and for the future, all who had lived in the Province seven years to become naturalised in the same manner.<sup>109</sup> Other clauses went to confirm those who had bought or sold lands.<sup>110</sup>

MR. G. SHERWOOD (Brockville) asked if it was the intention to enable those<sup>111</sup> naturalised subjects<sup>112</sup> who owned steamboats in Upper Canada, to enable them to go to Quebec, as<sup>113</sup> naturalised Americans<sup>114</sup> were at present only allowed to go as far as Montreal.<sup>115</sup>

MR. PRES. EX. COUN. MERRITT said there was considerable doubt whether this clause could be made operative, or whether the bill could be passed, if it were inserted, but it was hoped the navigation laws would be repealed this year, which would remove the necessity for it. If they were not, the Government were fully alive to the subject, and would bring in a separate



bill, so that if it were rejected, it would not endanger this measure.<sup>116</sup>

MR. CHRISTIE could not see why those who were naturalised, and owned steamboats in Upper Canada, when they were allowed to come to Montreal, why they should not go to Quebec.<sup>117</sup>

MR. RICHARDS explained that the English navigation laws, which required that vessels navigating certain waters should be owned by British subjects, expressly excepted naturalised subjects from the right to own these vessels. It was doubtful, therefore, if this bill became law, whether it would have any effect against the Imperial statute.<sup>118</sup>

COL. GUGY moved an amendment, as we understood it, to enable Courts to revise judgments given against aliens, in actions arising from causes existing previous to their naturalisation.<sup>119</sup>

At the request of MESSRS. PRES. EX. COUN. MERRITT and COM. CR. LANDS PRICE, the amendment was withdrawn.<sup>120</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Fergusson reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.*

*Ordered, That the Bill be read the third time, to-morrow.*

Indemnity to  
Members.

*The Order of the day for the House in Committee to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, being read;*

*The Honorable Mr. Attorney General LaFontaine moved, seconded by the Honorable Mr. Merritt, That this House do now resolve itself into a Committee, to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof;*

*The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House that His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.*

*Resolved, That this House do now resolve itself into the said Committee.*

*The House accordingly resolved itself into the said Committee.*

*Mr. Malloch took the Chair of the Committee;*<sup>121</sup>

MR. AT. GEN. LAFONTAINE proposed a resolution to the effect that 15s. a day be allowed to members for the present and future sessions.<sup>122</sup>

MR. CHRISTIE moved in amendment, that £1 per day be substituted.<sup>123</sup>

MR. CARTIER seconded by MR. WILSON moved that the blank be filled up with 10s.<sup>124</sup>

A long and desultory discussion<sup>125</sup> ensued<sup>126</sup>.

MR. EGAN moved that the blank be filled up with one shilling per diem (York money.)<sup>127</sup> (Great laughter.)<sup>128</sup>

A number of members spoke in favor of a decent amount being allowed to

members. Unless a reasonable compensation was allowed to members, it would prevent any but very rich men from coming to Parliament.<sup>129</sup>

MR. EGAN withdrew his amendment at the request of several members.<sup>130</sup>

MR. CARTIER's motion was put and lost<sup>131</sup>, supported only by three members.<sup>132</sup>

The proposal for 15s. was also negatived by a large majority<sup>133</sup>.

MR. CHRISTIE's proposition that the indemnity be one pound per diem, was carried amidst loud cheering and clapping of hands.<sup>134</sup>

MR. AT. GEN. LAFONTAINE proposed, that 6d. a mile be allowed for travelling expenses, coming to and returning from the House.<sup>135</sup>

MR. CHRISTIE proposed in amendment, that the sum allowed for that purpose, should be 1s. a mile, or 20s a day<sup>136</sup>.

MR. CHRISTIE's proposal was lost.<sup>137</sup>

DR. DAVIGNON then proposed 9d. per mile<sup>138</sup>.

The original motion was carried by a considerable majority.<sup>139</sup>

MR. AT. GEN. LAFONTAINE proposed further, that members, previous to payment, sign a declaration as to the number of days such member may have been in attendance during the session, and the number of days spent on committees, &c., the effect of which, is to pay members for the numbers of days they may have attended to their duties.<sup>140</sup>

An amendment was moved by MR. H. BOULTON of Norfolk, to the effect that members who may be absent for upwards of 20 days, should not be paid for such absence, but if the absence be under 20 days, that such absence be paid for.<sup>141</sup>

The amendment was negatived.<sup>142</sup>

MR. LYON submitted another amendment that no member of the House holding office under the crown shall be paid for attendance<sup>143</sup>.

Negatived likewise, and the original motion carried.<sup>144</sup>

MR. AT. GEN. LAFONTAINE moved that the period to which payment of members should extend should not be more than 90 days.<sup>145</sup>

Lost by a large majority.<sup>146</sup>

Some further resolutions having been adopted, which we were unable to hear owing to the noise which prevailed, the Committee rose<sup>147</sup>.

(210)

*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Malloch reported, That the Committee had come to several Resolutions.*

*Ordered, That the Report be received to-morrow.*

Public  
Health Bill.

*The Order of the day for the House in Committee*

(211)

*on the engrossed Bill from the Legislative Council,*

intituled, "An Act to make provision for the preservation of the Public Health, in certain emergencies," being read;<sup>148</sup>

MR. SOL. GEN. BLAKE said that he intended to move for the discharge of the order, and that it be read a third time to-morrow.<sup>149</sup>

MR. CHABOT moved that the order be discharged, and the bill referred to a special committee.<sup>150</sup>

MR. AT. GEN. BALDWIN hoped that the hon. gentleman would not press his motion. He had frequently observed that when a Government measure was referred to a special committee, it was not much improved.<sup>151</sup>

MESSRS. BALDWIN, BOULTON and MACDONALD of Kingston objected to a postponement of the Bill, as emigrants would arrive in a few weeks, and might bring disease with them. The Bill was one of great importance.<sup>152</sup>

DR. NELSON alluded to the former visitation of the disease through emigrants, and said there was no time to be lost.<sup>153</sup>

MR. CHABOT withdrew his motion.<sup>154</sup>

MR. SOL. GEN. BLAKE moved that the order of the day be discharged for the House to go into committee, and that the bill be read a third time to-morrow.<sup>155</sup>

(211)

*Ordered, That the said Order of the day be discharged.*

*Ordered, That the Bill be read the third time, to-morrow.*

<p><u>County</u> <u>Division</u> <u>(U.C.) Bill.</u></p>	<p><i>The Order of the day for the House in Committee on the Bill for abolishing the Territorial Division of Upper Canada into Districts, and for providing for temporary Unions of Counties for Judicial and other purposes, and for the future dissolution of such Unions as the increase of wealth and population may require, being read;</i></p>
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*The House accordingly resolved itself into the said Committee.*

*Mr. Fortier took the Chair of the Committee; and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. Fortier reported, That the Committee had made some progress, and directed him to move for leave to sit again.*

*Ordered, That the Committee have leave to sit again, on Friday next.*

MR. INSP. GEN. HINCKS then moved, that the Order of the Day for the House in committee on the Upper Canada Assessment Bill be read.<sup>156</sup>

Several members objected to going into the consideration of so important a measure at such a late hour, (11 P.M.)<sup>157</sup>

MR. INSP. GEN. HINCKS consented to postpone the Order to a future day.<sup>158</sup>

(211)

<p><u>Orders</u> <u>deferred.</u></p>	<p><i>Ordered, That the remaining Orders of the day be postponed till Friday next.</i></p>
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*Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by Mr. M'Farland,*

*The House adjourned.*



FOOTNOTES: 4 APRIL 1849.

1. MONTREAL GAZETTE, 6 April 1849.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1849; BROCKVILLE RECORDER, 12 April 1849, and STANSTEAD JOURNAL, 19 April 1849, in identical accounts; and PILOT, 6 April 1849, and GLOBE, 14 April 1849, in identical accounts.
7. MONTREAL GAZETTE, 6 April 1849.
8. PILOT, 6 April 1849.
9. MONTREAL GAZETTE, 6 April 1849.
10. PILOT, 6 April 1849.
11. MONTREAL GAZETTE, 6 April 1849.
12. PILOT, 6 April 1849.
13. MONTREAL GAZETTE, 6 April 1849.
14. IBID.
15. IBID.
16. PILOT, 6 April 1849.
17. MONTREAL GAZETTE, 6 April 1849.
18. PILOT, 6 April 1849.
19. MONTREAL GAZETTE, 6 April 1849.
20. PILOT, 6 April 1849.
21. MONTREAL GAZETTE, 6 April 1849.
22. IBID.
23. IBID.
24. IBID.
25. BROCKVILLE RECORDER, 12 April 1849.
26. MONTREAL GAZETTE, 6 April 1849.
27. IBID.
28. IBID.
29. IBID.
30. PILOT, 6 April 1849.
31. MONTREAL GAZETTE, 6 April 1849.
32. IBID.
33. IBID.
34. IBID.
35. BROCKVILLE RECORDER, 12 April 1849.
36. MONTREAL GAZETTE, 6 April 1849.
37. IBID.
38. GLOBE, 14 April 1849.
39. MONTREAL GAZETTE, 6 April 1849.
40. IBID.
41. IBID.
42. This matter was reported by: MONTREAL GAZETTE, 6 April 1849; BROCKVILLE RECORDER, 12 April 1849, PROVINCIALIST, 12 April 1849, and STANSTEAD JOURNAL, 19 April 1849, in identical accounts; and PILOT, 6 April 1849, and GLOBE, 14 April 1849, in identical accounts.
43. PILOT, 6 April 1849.
44. IBID.
45. MONTREAL GAZETTE, 6 April 1849.

46. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1849; BROCKVILLE RECORDER, 12 April 1849, PROVINCIALIST, 12 April 1849, and STANSTEAD JOURNAL, 19 April 1849, in identical accounts; and PILOT, 6 April 1849, and GLOBE, 14 April 1849, in identical accounts.
47. MONTREAL GAZETTE, 6 April 1849.
48. IBID.
49. BROCKVILLE RECORDER, 12 April 1849.
50. PILOT, 6 April 1849.
51. MONTREAL GAZETTE, 6 April 1849.
52. PILOT, 6 April 1849.
53. MONTREAL GAZETTE, 6 April 1849.
54. BROCKVILLE RECORDER, 12 April 1849.
55. PILOT, 6 April 1849.
56. MONTREAL GAZETTE, 6 April 1849.
57. PILOT, 6 April 1849.
58. MONTREAL GAZETTE, 6 April 1849.
59. PILOT, 6 April 1849.
60. MONTREAL GAZETTE, 6 April 1849.
61. PILOT, 6 April 1849.
62. MONTREAL GAZETTE, 6 April 1849.
63. PILOT, 6 April 1849.
64. MONTREAL GAZETTE, 6 April 1849.
65. PILOT, 6 April 1849.
66. BROCKVILLE RECORDER, 12 April 1849.
67. PILOT, 6 April 1849.
68. BROCKVILLE RECORDER, 12 April 1849.
69. MONTREAL GAZETTE, 6 April 1849.
70. IBID.
71. BROCKVILLE RECORDER, 12 April 1849.
72. PILOT, 6 April 1849.
73. BROCKVILLE RECORDER, 12 April 1849.
74. PILOT, 6 April 1849.
75. BROCKVILLE RECORDER, 12 April 1849.
76. PILOT, 6 April 1849.
77. BROCKVILLE RECORDER, 12 April 1849.
78. PILOT, 6 April 1849.
79. BROCKVILLE RECORDER, 12 April 1849.
80. PILOT, 6 April 1849.
81. IBID.
82. BROCKVILLE RECORDER, 12 April 1849.
83. IBID.
84. IBID.
85. MONTREAL GAZETTE, 6 April 1849.
86. IBID.
87. IBID.
88. BROCKVILLE RECORDER, 12 April 1849.
89. MONTREAL GAZETTE, 6 April 1849.
90. IBID.
91. BROCKVILLE RECORDER, 12 April 1849.
92. MONTREAL GAZETTE, 6 April 1849.
93. BROCKVILLE RECORDER, 12 April 1849.
94. MONTREAL GAZETTE, 6 April 1849.
95. IBID.

96. BROCKVILLE RECORDER, 12 April 1849.
97. MONTREAL GAZETTE, 6 April 1849.
98. IBID.
99. PILOT, 6 April 1849.
100. MONTREAL GAZETTE, 6 April 1849.
101. IBID.
102. BROCKVILLE RECORDER, 12 April 1849.
103. MONTREAL GAZETTE, 6 April 1849.
104. PILOT, 6 April 1849.
105. MONTREAL GAZETTE, 6 April 1849.
106. IBID.
107. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1849; BROCKVILLE RECORDER, 12 April 1849, and PROVINCIALIST, 12 April 1849, in identical accounts; and PILOT, 6 April 1849, and GLOBE, 14 April 1849, in identical accounts.
108. MONTREAL GAZETTE, 6 April 1849.
109. PILOT, 6 April 1849.
110. MONTREAL GAZETTE, 6 April 1849.
111. IBID.
112. PILOT, 6 April 1849.
113. MONTREAL GAZETTE, 6 April 1849.
114. PILOT, 6 April 1849.
115. MONTREAL GAZETTE, 6 April 1849.
116. PILOT, 6 April 1849.
117. MONTREAL GAZETTE, 6 April 1849.
118. PILOT, 6 April 1849.
119. IBID.
120. IBID.
121. The debate on this matter was reported by: MONTREAL GAZETTE, 6 April 1849; BROCKVILLE RECORDER, 12 April 1849, and STANSTEAD JOURNAL, 19 April 1849, in identical accounts; and PILOT, 6 April 1849. A commentary may be found in PILOT, 6 April 1849.
122. PILOT, 6 April 1849.
123. BROCKVILLE RECORDER, 12 April 1849.
124. IBID.
125. MONTREAL GAZETTE, 6 April 1849.
126. PILOT, 6 April 1849.
127. BROCKVILLE RECORDER, 12 April 1849.
128. MONTREAL GAZETTE, 6 April 1849.
129. IBID.
130. IBID.
131. IBID.
132. PILOT, 6 April 1849.
133. IBID.
134. IBID.
135. MONTREAL GAZETTE, 6 April 1849.
136. PILOT, 6 April 1849.
137. MONTREAL GAZETTE, 6 April 1849.
138. PILOT, 6 April 1849.
139. IBID.
140. IBID.
141. IBID.
142. IBID.



143. BROCKVILLE RECORDER, 12 April 1849.
144. IBID.
145. IBID.
146. IBID.
147. PILOT, 6 April 1849.
148. This matter was reported by: BROCKVILLE RECORDER, 12 April 1849, and PROVINCIALIST, 12 April 1849, in identical accounts; and PILOT, 6 April 1849, and GLOBE, 14 April 1849, in identical accounts.
149. PILOT, 6 April 1849.
150. IBID.
151. IBID.
152. BROCKVILLE RECORDER, 12 April 1849.
153. IBID.
154. IBID.
155. IBID.
156. MONTREAL GAZETTE, 6 April 1849.
157. IBID.
158. IBID.

THURSDAY, 5 APRIL 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Robert P. Spittal and others, of the Township of Nepean, District of Dalhousie.

By the Honorable Mr. Cameron, of Kent,--The Petition of J. Mills and others, of the Township of Zone, County of Kent.

By Mr. M'Farland,--The Petition of David Doan and others, of the Township of Crowland, District of Niagara; the Petition of John Rannie and others, of the Township of Thorold, District of Niagara; the Petition of John Thompson and others, of the Township of Humberstone, District of Niagara; the Petition of John S. Price and others, of the Township of Pelham, District of Niagara; the Petition of Albert H. Page and others, of the Township of Pelham, District of Niagara; the Petition of Richard Graham and others, of the Township of Bertie, District of Niagara; the Petition of Lemuel S. Yokom and others, of the Township of Wainfleet, District of Niagara; the Petition of Andrew Upper and others, of the Township of Thorold, District of Niagara; and the Petition of William P. Wilson and others, of the Township of Bertie, District of Niagara.

By Mr. Chauveau,--The Petition of H. Lemesurier, Esquire, and others, of the City of Quebec.

By Mr. Flint,--The Petition of the Board of Trustees of the University of Victoria College.

By Mr. Lyon,--The Petition of G. G. Dunning and others, of the County of Russell; and the Petition of John R. Loucks and others, of the Township of Russell.

Joint Stock  
Road Companies  
(U.C.) Bill.

An engrossed Bill to authorize the formation of Joint Stock Companies in Upper Canada, for the construction of Plank, Gravelled, or Macadamized Roads therein, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada."

Ordered, That the Honorable Mr. Boulton do carry the Bill to the Legislative Council, and desire their concurrence.

Montreal New  
City Gas Com-  
pany Bill.

An engrossed Bill to amend the Act incorporating the New City Gas Company of Montreal, and to extend the powers of the said Company, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Bridge Bill of  
A.M. Delisle  
and others.

An engrossed Bill to authorize Alexandre M. Delisle, and others, to erect a Toll Bridge over the River Jésus, and for other purposes therein mentioned, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize Alexandre M. Delisle and others, to build a Toll Bridge over the River Jésus, and for other purposes therein mentioned."

Ordered, That Mr. Dumas do carry the Bill to the Legislative Council, and desire their concurrence.

Petition of  
J. Joseph.

Ordered, That the Petition of Jesse Joseph, of Montreal, be referred to the Committee of the whole House to consider certain Resolutions for repealing the present Tariff of Duties, and for substituting another therefor.

Fifth Report  
of Committee  
on Road and  
Bridge Bills.

Mr. Fortier, from the Standing Committee on Road and Bridge Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have re-considered the Bill to authorize Antoine Amable Archambeault, and others, to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned, re-committed to them by Your Honorable House; and have agreed to a further amendment, which they beg leave now to report.

Prescott  
Election.

Mr. Chabot, from the Select Committee appointed to try the merits of the Petition of William K. Mackenzie, of L'Orignal, in the County of Prescott, Esquire, complaining of an undue Election and Return for the County of Prescott, presented to the House the final Report of the said Committee; which was read, as followeth:--

Resolved, That Thomas Hall Johnson, Esquire, the sitting Member, was duly elected a Member to represent the County of Prescott at the last Election for that County.

Resolved, That the Petition in this case is not frivolous or vexatious.

Resolved, That the defence of the sitting Member is not frivolous or vexatious.

Law of Patents  
Bill.

The Honorable Mr. Badgley reported from the Select Committee of the Bill to consolidate and amend the Laws of Patents for Inventions in this Province, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

On motion of Mr. Flint, seconded by Mr. Bell,

Petition read.

Ordered, That the Petition of the Board of Trustees of the University of Victoria College, be now

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read; and that the Rules of this House be suspended as regards the same.

And the said Petition was read; representing the circumstances and claims of that Institution, and praying increased aid in support thereof.



On motion of Mr. Christie, seconded by Mr. DeWitt,

Postages of Letters.

Resolved, That an humble Address be presented to

His Excellency the Governor General, praying

His Excellency to cause to be laid before this House, a Return of the amount paid by the Executive Government, for Postages of Letters, to the General Post Office, specifying the amounts incurred under this head by the several Departments.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

Actions of Account for Fees of Office.

Mr. Laurin moved, seconded by Mr. Fortier, and the Question being put, That leave be given to bring in a Bill providing that Actions of Account for Fees of Office may be tried by Jury and according to the

Laws of England; the House divided:--And it passed in the Negative.

Bill relating to Biddings at Sales of Land.

Ordered, That Mr. Laurin have leave to bring in a Bill to ensure the validity of Biddings at Sales of Land made by order of any Court of Justice, and to fix the days on which the adjudication

thereof may be made.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Adjournment.

Resolved, That this House will, at the rising of the House this day, adjourn till Saturday next, at three o'clock in the afternoon, (to-morrow being Good Friday.)

Orders deferred.

Ordered, That the Orders of the day for to-morrow, be now read.

And the said Orders of the day being read accordingly;

Ordered, That the said Orders of the day be postponed till Saturday next.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Robinson,

Canada Life Assurance Company Bill.

Ordered, That the Clerk of this House do refund to the Petitioners, or their agent, the fee of £20 paid this Session on the Bill to incorporate the Canada Life Assurance Company, the like fee

having been paid at the two last Sessions.

On motion of Mr. Dumas, seconded by Mr. Cartier,

Bridge Bill of A. Archambeault and others.

Ordered, That the Bill to authorize Antoine Amable Archambeault, and others, to erect a Toll Bridge over the River L'Assomption, and for other purposes therein mentioned, as reported from the Standing Committee on Road and Bridge Bills, be

committed to a Committee of the whole House, for Monday next.

On motion of Mr. Wilson, seconded by the Honorable Mr. Robinson,

Sault Ste. Marie  
Mining Company Bill.

Ordered, That the Order of the day for the House in Committee on the Bill to incorporate "The Sault Sainte Marie Mining Company," be discharged.

Ordered, That the Bill be engrossed.

On motion of Mr. Solicitor General Blake, seconded by the Honorable Mr. Attorney General Baldwin,

Criminal  
Justice Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act for the removal of defects in the Administration of Criminal

Justice," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Saturday next.

Toronto Gen-  
eral Burying  
Ground Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to amend an Act therein mentioned, and to vest the Toronto General Burying Ground in certain Trustees and their successors, was, accord-

ing to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Price do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

Naturalization  
of Aliens Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to repeal a certain Act therein mentioned, and to make better provision for the

naturalization of Aliens," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Merritt do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

Public Health  
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to make provision for the preservation of the Public Health, in certain emergencies,"

was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Blake do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, without any Amendment.

Public Works  
Management Act.

Mr. Armstrong, from the Committee of the whole House to consider the propriety of amending the Act relating to the management of the Public Works,

reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to repeal the Schedules B. 1, B. 2, B. 3, B. 4, B. 5, and B. 6, annexed to the Act 9 Vic. c. 37, and being

Tables of the Maximum Tolls to be levied on the several Public Works therein mentioned, and so much of the said Act, or of the Act 10 and 11 Vic. c. 24, as requires that the Tolls levied on the said Works, under any Order of the Governor in Council, should be governed by or based upon Tables in the said Schedules.

2. Resolved, That it is expedient to authorize the Governor in Council, from time to time to fix and regulate the Tolls to be levied on the several Public Works in the said Schedules mentioned, and on goods, vessels and passengers coming down the St. Lawrence, and past any of the Canals constructed to facilitate the navigation thereof, without being brought through such Canals: such Tolls not to exceed the following rates, viz:--

	£	s.	d.
On Goods and Merchandize passing through all the Canals between <u>Montreal</u> and <u>Kingston</u> , upwards, per ton weight	0	7	6
The same downwards	0	5	0
On Steamboats or other Vessels passing through the same, upwards, per ton burthen	0	0	3
Do do do downwards, do	0	0	1½
On Passengers of or over 21 years of age, upwards, each	0	0	6
Do do do do downwards, each	0	0	3
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On Passengers under 21 years of age, upwards each	0	0	3
Do do do downwards, each	0	0	1½
The same Tolls being payable on Goods and Merchandize brought down the River <u>St. Lawrence</u> past any section or sections of the said Canals, as if they had been brought through the same; excepting always timber brought down in Rafts or Cribs, and having been cut upon the banks of the <u>St. Lawrence</u> or <u>Ottawa</u> Rivers, or of the <u>Bay of Quinté</u> , or of the Streams running into the said Rivers or Bay.			
On Goods and Merchandize passing through the <u>Welland Canal</u> , upwards or downwards, per ton weight	0	7	6
On Steamboats or other Vessels passing through the same, upwards or downwards, per ton burthen	0	0	1½
On Passengers of or over 21 years of age, upwards or downwards, each	0	0	6
Do do under 21 years of age, upwards or downwards, each	0	0	3
On Goods and Merchandize passing through the <u>Chambly Canal</u> , upwards or downwards, per ton weight	0	2	6





For each Horse not attached to any vehicle and without a rider, Ox, Cow, or head of cattle, or non-enumerated quadruped	0	0	1
For each Sheep, Pig, or Goat	0	0	0 $\frac{1}{4}$
On the several Public Bridges in the same Schedules mentioned, and for each time of passing over the same:--			
The same Tolls as on the Public Roads aforesaid, for animals and carriages, and for each foot passenger	0	0	1

3. Resolved, That any fraction of a ton or other quantity on which Tolls are to be calculated, may be considered as a whole ton or quantity; and that provided the rates aforesaid be not exceeded in any case, the Tolls may be varied, or exemptions from Toll allowed, as to particular sections or portions of the Public Works aforesaid, or on particular classes or kinds of vessels, goods, animals, carriages or passengers, in such manner as the Governor in Council shall deem to be most for the public good.

4. Resolved, That on or for the use of any Public Work not included in the foregoing Resolutions, or hereafter to be constructed, such Tolls may be levied as the Governor in Council shall deem expedient, and as shall be in his opinion proportionate to the Tolls levied at the same period under the authority of any Act, upon the works most nearly similar to it.

The said Resolutions, being read a second time, were agreed to.

Indemnity to  
Members.

Mr. Malloch, from the Committee of the whole House to take into consideration the expediency of establishing, by Law, the Indemnity to be granted to the Members of this House, and of providing for the payment thereof, reported several Resolutions; which were read, as follow:--

1. Resolved, That for the present Session of the Provincial Parliament, and for each Session thereafter, there should be allowed to each Member of the Legislative Assembly attending at any such Session, twenty shillings for each day's attendance thereat, and six-pence for each mile of the distance between the place of residence of such Member and the place at which the Session shall be held.

2. Resolved, That the sum due to each Member at the close of any Session should be paid to him by the Clerk of the Legislative Assembly, on the said Member signing a declaration to be kept by the said Clerk, and stating the number of days' attendance, the number of miles of distance for which such Member is entitled to an allowance, and the amount of such allowance; and that each day on which the Member shall have attended any sitting of the Legislative Assembly or of any Committee thereof, and each day during the Session on which there shall have been no sitting of the Legislative Assembly, or on which he shall have been prevented by sickness from attending any sitting, but on which he shall, in either case, have been in the place where the Session is held, should be reckoned as a day of attendance at such Session.

3. Resolved, That there be granted to Her Majesty, out of the unappropriated monies in the Consolidated Revenue Fund of this Province, an

annual sum, sufficient to enable Her Majesty to advance to the Clerk of the Legislative Assembly of this Province such a sum of money as shall be required to pay the estimated amount of such Sessional allowance according to the foregoing Resolutions.

4. Resolved, That the Clerk of the Legislative Assembly of this Province should account for such monies as he shall receive for this purpose, in the same manner as for monies advanced to him for the Contingent Expenses of the said Legislative Assembly; and that he should be authorized to apply any surplus thereof to the payment of such Contingent Expenses, and to supply any deficiency of such estimated amount to meet the same out of any monies in his hands applicable to the payment of such Contingent Expenses.

The first Resolution being read a second time,

And the Question being proposed, That this House doth agree with the Committee on the said Resolution;

Mr. Wilson moved in amendment to the Question, seconded by Mr. Cartier, That all the words after "That" be left out to the end of the Question, and the words "the said Resolution be re-committed to a Committee of the

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House, to take into consideration the expediency of leaving out the words 'twenty shillings' and inserting the words ten shillings" instead thereof;

And the Question being put on the Amendment; the House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cartier and Wilson.--(2.)

NAYS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Bell, Solicitor General Blake, Boulton of NORFOLK, Burritt, Cameron of KENT, Cayley, Chabot, Chauveau, Christie, Crysler, DeWitt, Dickson, Dumas, Egan, Fergusson, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Hincks, Jobin, Johnson, Attorney General LaFontaine, Laterrière, Laurin, Lemieux, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Merritt, Méthot, Mongenais, Morrison, Papineau, Polette, Price, Richards, Robinson, Sauvageau, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Stevenson, Viger, and Watts.--(53.)

So it passed in the Negative.

Then the main Question being put;

Resolved, That this House doth agree with the Committee in the said Resolution.

The subsequent Resolutions, being read a second time, were agreed to.

Members Indemnification Bill.

Ordered, That the Honorable Mr. Attorney General LaFontaine have leave to bring in a Bill to indemnify Members of the Legislative Assembly for their expenses in attending the Sessions of the Legislature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.



Great Western  
Railroad Bill.

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Robinson, and the Question being put, That the Order of the day for the second reading of the Bill to alter and amend the Charter of the Great Western Railroad Company, be now read;

The House divided:

Yeas, 18.

Nays, 23.

So it passed in the Negative.

Niagara District  
Town Bill.

The Order of the day for the second reading of the Bill to remove the site of the District Town of the District of Niagara, to Port Robinson in the Township of Thorold, in the County of Welland, being read;

Ordered, That the Bill be read a second time on Monday next; and that it be then the first Order of the day.

Quebec Ware-  
housing Com-  
pany Bill.

The Order of the day for the House in Committee on the Bill to incorporate the Quebec Warehousing Company, being read;

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereto.

Ordered, That the Report be now received.

Mr. Laurin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Bill relating  
to persons dying  
Intestate.

The Order of the day for the second reading of the engrossed Bill from the Legislative Council, intituled, "An Act to make better provision for the protection of the property of persons dying Intestate in that part of this Province formerly called Upper Canada," being read;<sup>1</sup>

MR. H. BOULTON (Norfolk) moved the second reading of a bill from the Legislative Council to protect the property of persons dying intestate. The object of the bill was to give the Government power to appoint some person to each district to look after the property of persons dying intestate, instead of leaving it to private individuals. The Registrar of each county was to perform the duty.<sup>2</sup>

MR. SOL. GEN. BLAKE opposed the bill, as there was already sufficient provision to secure the object proposed to be attained.--There was already a much better system existing than that proposed. He considered the bill needless, and should, therefore, oppose it.<sup>3</sup>

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The Honorable Mr. Boulton moved, seconded by Mr. Notman, and the Question being proposed, That the said Bill be now read a second time;

Mr. Morrison moved in amendment to the Question, seconded by Mr. Laurin, That the word "now" be left out, and the words "this day three months" added at the end thereof;

And the Question being put on the Amendment:--It was unanimously resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day three months.

Message from  
the Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Montague  
Boundary  
Line Bill.

Mr. Speaker,

The Legislative Council request, That this House will communicate to their Honors, the Documents, Evidence and Proofs upon which is founded the Bill, intituled, "An Act to repeal the Act defining the boundary line between the fourth Concessions of the Townships of Montague and North Elmsley."

And then he withdrew.

Resolved, That this House will send an Answer to the said Message, by Messengers of their own.

And the Master in Chancery was again called in; and Mr. Speaker acquainted him therewith.

And then he again withdrew.

Bill respecting  
Strychnine and  
other Poisons.

The Order of the day for the second reading of the Bill to prohibit the use of Strychnine and other Poisons for the destruction of certain kinds of wild animals, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee.

Mr. Bouthillier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Bouthillier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received, on Saturday next.

Report on Petition  
of John A. Aussem  
and others.

The Order of the day for taking into consideration the Report of the Select Committee to which was referred the Petition of John H. Aussem, Esquire, and others, of the Province of Canada, being read;

Mr. Flint moved, seconded by Mr. M'Connell, and the Question being put, That the said Report be now committed to a Committee of the whole House;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Beaubien, Solicitor General Blake, Boulton of TORONTO, Burritt, Cauchon, Chabot, Chauveau, Christie, DeWitt, Dumas, Egan, Flint, Fournier, Guay, Hincks, Holmes, Lemieux, Sir Allan N. MacNab, M'Connell, Méthot, Mongenais, Morrison, Notman, Price, Richards, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Viger, and Wilson.--(33.)

NAYS.

Messieurs Cartier, Davignon, Fortier, Laterrière, Nelson, and Robinson.--(6.)

*So it was resolved in the Affirmative.*

*The House accordingly resolved itself into the said Committee.*

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*Mr. Burritt took the Chair of the Committee;*<sup>4</sup>

MR. FLINT moved that a bill should be bought (sic) in to accord to those who practised the Thompsonian system of medicine, the same rights as other medical men; they asked for equal rights but nothing more, they desired the privilege of receiving pay for their services, and if those services were valuable he could see no reason why they should not be paid.<sup>5</sup> The hon. gentleman proceeded to dilate on the virtues of the Thompsonian system. He (Mr. F.) was in some respects a Thompsonian.<sup>6</sup> They used no mineral medicine, but only medicine made from roots and herbs, and practised on a different system from other medical men. All they wanted was to be allowed to practise as they thought proper without studying three or four years at a system which they never intended to practise, in order to obtain a diploma. In the U.S. the Thompsonian doctors were allowed to practise and the same right should be accorded to them here, to enable them to give their system a fair trial. It might be said that persons practising this system had destroyed valuable lives--granted; but had not many valuable lives been also sacrificed by the regular physician? The only difference was, that one sacrificed life contrary to law, the other according to law. (Hear, hear, and laughter.) It was said that "the grave reveals no secrets," and he believed that if it could, there would be many men found to have been killed by the regular physicians.--("No, no.")<sup>7</sup> It was the custom of Doctors now, nearly to kill a man, and then raise him up.<sup>8</sup> He thought the majority of the regular physicians in Upper Canada were in favor of this right being accorded to the Thompsonians, and he could see no reason for refusing the bill he proposed. The system of persecution going on against this class of practitioners would raise them in public estimation; and, indeed, in many of the secluded parts of the country they did a great deal of good.<sup>9</sup> He was satisfied that the more people practised taking those medicines, instead of minerals, the higher would they rise in public fame.<sup>10</sup> He hoped the Committee would, therefore, allow him to bring in a bill to amend the law, so it may accord the petitioners the privileges they sought for.<sup>11</sup>

DR. NELSON hoped the Committee would believe that he did not oppose the bill for personal reasons, but because he was well aware of the great danger frequently arising from the practise of the Thompsonian system. Sorry was he to say that he had<sup>12</sup> seen some appalling (sic) examples of



victims of this Thompsonian system in Montreal. He had known<sup>13</sup> two cases of death in this city, clearly and undoubtedly caused by the Thompsonian medicine.<sup>14</sup> One of the victims he had known was a lady, who had been poisoned by a Thompsonian dose, when he had no hesitation in saying that she might have recovered. The learned gentleman went into detail of another case as practised on a young lady of this city, of a kind unfit to be published. It was outrageous to make experiments of the kind as was desired by the hon. gentlemen, the lives of children, mothers, and fathers of families were not thus to be trifled with. He proceeded to enquire into what the system consisted of<sup>15</sup>. The parties who practised it, were in general, perfectly ignorant of the theory of medicine, and very frequently most illiterate, and with the utmost recklessness experimented on the living bodies of the unfortunate patient (sic) entrusted to their care. Such conduct was most atrocious, and the quacks who acted in that manner were scarcely worthy of the name of men. The hon. gentleman then went into a long description of the genus "quack," describing their characteristics, their ignorance, and their absurd pretensions, which frequently impose upon the ignorant and unsuspecting. If that bill were passed, if the House chose to sanction the practise of these people, he called on the Ministry to refuse to give one farthing to McGill College. What would then be the use of taxing the country for the support of a college which taught a system that was virtually condemned by the bill, and by the vote which would pass it into law. It would be said that there was one protection for society. It would be said that if the root doctor caused any injury by his medicines, he could be prosecuted; but who would be willing to prosecute except in very glaring cases? And even then, the party who had lost a member of his family would perhaps step in to protect instead of prosecute.<sup>16</sup> He was surprised to see some hon. gentlemen in the House supported it. If ministers were to harbour those men, he (Dr. N.) would resign his seat in that House. He called upon hon. gentlemen as fathers of families, and as enlightened legislators<sup>17</sup> to uphold ... ((the)) dignity ((of the House)), and reject the bill, and not so far insult the profession as to put a set of ignorant men on the same footing with those who had spent large sums of money, and years of their early life, in acquiring a knowledge of their profession.<sup>18</sup>

DR. DAVIGNON moved, amidst great uproar, that the Chairman do have the Chair.<sup>19</sup>

MESSRS. CAUCHON and MCCONNELL took the floor simultaneously to address the Chair, and remained standing for some time amidst great disturbance, and cries of "chair" and "dispense."<sup>20</sup>

MR. BURRITT the Chairman ... decided that Mr. McConnell was up first<sup>21</sup>.

MR. MCCONNELL.--The hon. member proceeded to address the Committee<sup>22</sup>. There was no Thompsonian Doctor in the House to advocate their claims. (Laughter.) They had been allowed in New York, and he thought we could not do wrong in following the example of that State. The hon. gentleman proceeded to treat of roots and herbs, and thought they were sometimes good for children.<sup>23</sup> We had, he said, a Liberal Ministry, who should endeavour to give equal rights and privileges to all men, and they should therefore give these Thompsonian doctors the privileges they petitioned

for.<sup>24</sup> He could not see why Government should not allow Thompsonian Doctors to practice if people chose to employ them.<sup>25</sup>

MR. FLINT said the difference between the regular and the quack was this, that the regular practitioner treated his patient this way--

-He bleeds, he pukes, and he sweats him,

And if he dies, why then he lets him!"

whereas the Thompsonian--whom the Hon. member for Richelieu called "quacks"--did not bleed in any cases. (Laughter.)<sup>26</sup>

COL. GUGY said the report was inconclusive, and it would be an absurdity for the Committee to adopt it.<sup>27</sup>

DR. DAVIGNON's motion was then carried by a very large majority<sup>28</sup>.

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and after some time spent therein,

Mr. Speaker resumed the Chair.

Port Burwell  
Harbour Bill.

The Order of the day for the second reading of the Bill to incorporate certain persons under the style and title of "The President, Directors, and

Company of Port Burwell Harbour," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Toronto and Lake  
Huron Railroad Act  
Amendment Bill.

The Order of the day for the second reading of the Bill to amend the Toronto and Lake Huron Railroad Act, being read;<sup>29</sup>

In the absence of Mr. Sherwood, MR. W. BOULTON (Toronto) moved the second reading of the Bill to amend the Act incorporating the Toronto and Lake Huron Railroad Company. In doing so he said the object of the bill was to give the Company the power to assess the original subscribers to a small amount on each share, for the purpose of paying the expenses which had been incurred.<sup>30</sup>

MR. SOL. GEN. BLAKE ((suggested)) the motion ... ((be)) postponed for a few days.<sup>31</sup>

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Ordered, That the Bill be read a second time, on Monday next.

District Courts  
(U.C.) Bill.

The Order of the day for the second reading of the Bill to amend and extend the provisions of the Act of this Province, intituled, "An Act to amend, consol-

idate, and reduce into one Act, the several Laws now in force establishing and regulating the practice of the District Courts of the several Districts of that part of this Province formerly Upper Canada," and to increase the jurisdiction of the said District Courts, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Smith, of Durham, Mr. Richards, Mr. Sherwood, of Brockville, Mr. Wilson, Mr. Notman, and Mr. Burritt, to report thereon with all convenient speed.

Hamilton Cor-  
poration Bill.

The Order of the day for the second reading of the Bill to establish a more efficient system of

*Police and Municipal Government in the City of Hamilton, and to extend the limits of the said City, being read;*

*The Bill was accordingly read a second time; and committed to the Committee of the whole House on the Bill to provide by one general Law, for the erection of Municipal Corporations in and for the several Counties, Cities, Towns, Townships, and Villages in Upper Canada.*

Bill to abolish  
Imprisonment  
for Debt.

*The Order of the day for the second reading of the Bill to abolish Imprisonment for Debt, and for the punishment of fraudulent debtors, being read;*

*The Honorable Mr. Boulton moved, seconded by Mr.*

*Notman, and the Question being proposed, That the Bill be now read a second time;<sup>32</sup>*

MR. SOL. GEN. BLAKE said that the Government had under consideration a similar law, which he had no doubt would be brought before the House before the close of the session, he therefore trusted that the hon. gentleman would have no objection to postpone his bill until the Government measure was introduced. If he were not pleased then with the Government bill, they would both be referred to the same Committee to report on.<sup>33</sup> It was necessary in abolishing imprisonment for debt to make provisions for reaching the property of the debtors.<sup>34</sup>

MR. AT. GEN. BALDWIN said it was absurd to talk about abolishing imprisonment for debt until some provision was made to secure the creditor from fraud.<sup>35</sup>

MR. PRES. EX. COUN. MERRITT said that he had always been in favour of the abolition of imprisonment for debt, and he was in favour of the principle still; but as the Government was going to bring in a bill for the same purpose, he hoped the hon. gentleman would postpone it for the present.<sup>36</sup>

MR. SOL. GEN. BLAKE said it was perfectly absurd to talk about abolishing imprisonment for debt, until the creditor was protected from fraud. He had heard a case cited of a man who had been imprisoned during two or three years in a case of great hardship, but he had read the history of that case, and knew that it was a most extraordinary fraud. In such cases, the creditor had no remedy under the present system, but imprisonment, as a means of obtaining justice from the party who committed the fraud.

((There were)) a few words from MR. WILSON, who charged the hon. member for Norfolk with having opposed his bill without having read it.<sup>38</sup>

MR. BADGLEY said that it was very desirable to have the honest creditor protected against the dishonest debtor. A striking instance of the fraud to which creditors are subjected occurred a few years back. The property of a man deeply indebted was burnt; and he having drawn the insurance, amounting to £1500, kept it in his pocket for two years and a half; and in consequence of the deficiency of the law, it was impossible to get it from him, and he compelled his creditors to take seven and sixpence to the pound; but if the £1500 in his pocket could have been obtained from him, the creditors could have been paid in full.<sup>39</sup>

MR. H. BOULTON was averse to postponing the second reading of the bill.



It was getting late in the session, and if it was delayed the measure would probably fall through. There could be no objection to the principle<sup>40</sup>. The wish was to do away with imprisonment, in all cases except where fraud had been practised, or where it could be shown that the debtor was about to evade his creditors by leaving the country.<sup>41</sup> And if the bill was now allowed to be read, he would delay going into Committee until next week, when the details of the bill might be amended to meet the views of the members.<sup>42</sup>

MR. AT. GEN. LAFONTAINE addressed the House in favour of the bill.<sup>43</sup>

MR. RICHARDS was sure that the professional men of Upper Canada, who had had experience of the kind of the hon. member for Norfolk in taking up imprisonment for debt, would agree with him (Mr. R.) that they had better entrust it to other hands. (Hear, hear.) The hon. member was certainly very zealous for the abolition of imprisonment for debt. In the first Parliament of United Canada he carried through a bill, but it was of such an imperfect character that it had to be repealed. In the last Parliament also a bill had been introduced, but it had been found so inconvenient in its working that many members of the profession were anxious for its repeal. He (Mr. R.) supposed that there was little difference of opinion on the subject of imprisonment for debt. No man would contend that an individual ought to be confined when he had no means of paying his debts; the only excuse was, that the debtor was about to withdraw from the Province to avoid paying his debts, or having means but refusing to pay his debts,--as far as his (Mr. Richards') experience went no great inconvenience had resulted from the law preventing a debtor being in close confinement for more than twelve months, and in many cases he was discharged after a shorter period. He was opposed to this bill, and would give everything to the debtor and nothing to the creditor.<sup>44</sup>

MR. CARTIER followed in French in favour of the bill.<sup>45</sup>

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*Mr. Wilson moved in amendment to the Question, seconded by Mr. Richards, That the word "now" be left out, and the words "this day three months" added at the end thereof;*

COL. GUGY, at some length, opposed the bill upon various grounds<sup>46</sup>. ((He)) was in favour of the general principle of abolishment for debt, but there was one kind of person whom he thought should not be exempted from imprisonment, those condemned to pay damages for debts such as defamation and libel (sic), (ironical cheers,) these persons were generally persons of no means or character, and if they were not punished in this manner, there would be no protection for private character.<sup>47</sup>

MR. PRES. EX. COUN. MERRITT said that one of the greatest grievances in Upper Canada for some time past had been imprisonment for debt. He had known men imprisoned for the most trifling sums; and he had known nine men in the town of Niagara to be confined at once for mere trifling sums. The hon. gentleman proceeded to relate an amusing instance of creditor and debtor being both confined in the same room at each others suit, and they arranged their accounts in the course of a few hours. He was opposed to imprisonment for debt altogether, and he was anxious to see it abolished. It had

been said that a prisoner would be discharged on swearing that he was not worth £5, but that was always a harrassing and expensive process, and he wished to see the law so altered as to make it altogether unnecessary. The bill of his hon. friend did not go quite far enough, but as it was one step in the right direction, and it would work well he was confident, he was prepared to support it. The bill introduced by the hon. gentleman, and passed into a law some time ago, had worked well in Upper Canada, and he had no doubt this bill would do so also.<sup>48</sup>

MR. ASST. COM. P. W. CAMERON (Kent) was glad at the early part of the session to observe that the hon. member for Missisquoi brought in a bill which would have abolished imprisonment for debt on a certain principle, and remedied the difficulties which existed now, and had created a great deal of satisfaction in Upper Canada, whereby an Upper Canada debtor could be arrested in Lower Canada; and he (Mr. C.) regretted much when the bill was withdrawn by the hon. member for Missisquoi, because he considered he had not been courteously dealt with by the House. The hon. member belonged to a profession where his temper was often tried, and he ought not to have been so peppery. He (Mr. C.) should support the measure before the House, not because it was exactly the measure that he wanted, but because it was going a little way towards the point; it was coming by degrees, and lawyers always went a-head by slow degrees. He hoped his hon. friend from Norfolk would postpone the measure for a season.<sup>49</sup>

MR. J. SMITH (Durham) said that all the members of the House agreed to the principle, that imprisonment for debt should be abolished except in cases of fraud; that was the principle which existed at present in Upper Canada; and in his opinion the first step to be taken was to repeal some six or ten Acts at present in existence in Upper Canada. He thought the law in Upper Canada was at the present in a wretched state, but he thought that this bill would make it worse.<sup>50</sup>

MR. RICHARDS rose amidst cries of "spoke, spoke." He rose for information. He did not exactly understand how they were to view the conduct of some hon. members on the Treasury Bench. (Hear, hear.) First of all, the Solicitor General got up and requested the hon. member for Norfolk to postpone his bill; but as he refused to do so, the hon. member for London proposed his amendment. He (Mr. Richards) supported it, because the Sol. General had pledged himself that the Government would bring in a more perfect measure. (Hear, hear.) And the hon. members for Lincoln and Kent got up and denounced those of the supporters of the Ministry who were in favour of the amendment as being opposed to the principle of abolishing imprisonment for debt! He really did not think it was treating hon. members who supported the Administration properly to lead them into a trap, and then leave them to get out of it as they could.<sup>51</sup>

"Hear, hear," from the Opposition.<sup>52</sup>

MR. SOL. GEN. BLAKE used to hear, in former days, that the hon. member for Lincoln jumped at conclusions before he had premises to warrant the leap, and he had been inclined to doubt it, but really he began to think there was some ground for the imputation, (hear, hear,) for the moment the hon. member for London refused to withdraw his amendment, the hon. gentleman jumped at the conclusion that he was against the principle of the bill,

although he (Mr. B.) could see no reason for such a conclusion. The honorable member for Norfolk had only offered a measure which, while professing to abolish imprisonment for debt destroyed the only principle upon which it could possibly be abolished. The bill introduced the other night by the hon. member for London, although he disapproved of some parts of it, had in it the two principles upon which imprisonment for debt could be abolished, but that bill was most pertinaciously opposed by the hon. member for Norfolk, and to-night he as pertinaciously refused to postpone his measure for a few days to see when the Government proposed and then the hon. member for Lincoln got up and accused the hon. members who supported the amendment of being in favor of imprisonment for debt! The hon. member then defended the legal profession from the charge of being hard-hearted and in favour of imprisonment for debt. They only desire to see justice done to all parties,--to the creditor as well as to the debtor. The hon. member for Lincoln had said that the hon. member for Norfolk's bill had worked well, but he (Mr. Blake) had seen it in practice in Upper Canada, and had always found that it worked infamously, and was denounced by the whole profession. (Hear, hear.) The Government were in favour of the abolition of imprisonment for debt, but they had no desire to allow persons to contract debts which they had no intention of paying, or no hope of ever being able to meet. (Hear, hear.)<sup>53</sup>

MR. H. BOULTON (Norfolk) rose to reply to some observations which had fallen from hon. members. First, there was the hon. member for Sherbrooke, who took upon himself to lecture him (Mr. Boulton) on what he knew nothing about--the law of Upper Canada; and, indeed, he did not seem to know much about the law of Lower Canada either. (Hear, hear.)

The hon. member made round assertions, but his assertions--always unsupported by facts--were not worth much. The hon. member said this bill was not applicable to Lower Canada; but if this bill were passed, would it be in his power to get a man into gaol without making the affidavit? It appeared to him that while one desired to protect the people from being imprisoned except in cases of fraud, another hon. gentleman was equally anxious to prevent the bill passing on grounds altogether different. He had no doubt it struck the hon. gentlemen--and he might have said so explicitly--that if the bill were passed, it would prevent him from throwing into gaol a couple of unfortunate individuals against whom he had a most barbarous and unrighteous verdict for £500, and would perhaps render it impossible for him to incarcerate them, and thus coerce their friends into paying the amount of the verdict. That he had not the slightest doubt, was the reason why the hon. gentleman who knew nothing of Upper Canada opposed the Bill. (Cheers.) Now another hon. gentleman had attacked his bill that had been passed into a law, but he could tell that hon. gentleman that the hon. President of the Council was tolerably correct when he said that it had worked well in Upper Canada, for as long as that law was in existence the jails were kept free, and that was all he desired; but it had been got rid of by a side-wind that no person knew anything about. It had been opposed with a great deal of vehemence, but it was only by such people as one who had voted against him at the last election, because he had lost £100 a year since the law had gone into operation.<sup>54</sup>

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*And the Question being put on the Amendment; the House divided: and*



the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Bell, Solicitor General Blake, Dumas, Gugy, Hall, Johnson, Malloch, M'Connell, Morrison, Price, Richards, Scott of BYTOWN, Seymour, Smith of DURHAM, Stevenson, Watts, and Wilson.--(19)

NAYS.

Messieurs Armstrong, Beaubien, Boulton of NORFOLK, Bouthillier, Cameron of KENT, Cartier, Davignon, DeWitt, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Jobin, Attorney General LaFontaine, Laurin, Lemieux, Sir Allan N. MacNab, Merritt, Méthot, Mongenais, Notman, Papineau, Robinson, Smith of WENTWORTH, and Viger.--(28.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read a second time;

The Honorable Mr. Boulton moved in amendment to the Question, seconded by the Honorable Mr. Merritt, That the word "now" be left out, and the words "on Thursday next" added at the end thereof;

And the Question being put on the Amendment:--It was unanimously resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, on Thursday next.

Magistrates  
Fees (U.C.)

The Order of the day for the House in Committee to consider the expediency of regulating the Fees allowed to Magistrates in Upper Canada, being read;

The House accordingly resolved itself into the said Committee.

Mr. Gugy took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Gugy reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Thursday next.

Ship-building  
Encouragement  
Bill.

The Order of the day for the second reading of the Bill to encourage Ship-building in Lower Canada, by affording better security to persons advancing money, or furnishing work or materials for the construction of Ships, being read;

The Bill was accordingly read a second time; and referred to a Select Committee composed of Mr. Méthot, Mr. Chabot, Mr. Lemieux, Mr. Chauveau, and Mr. Cartier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Niagara Falls  
Suspension  
Bridge Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Niagara Falls Suspension Bridge Company, being read;<sup>55</sup>

MR. PRES. EX. COUN. MERRITT moved that the Bill to incorporate the Niagara Falls Suspension Bridge Company be read a second time.<sup>56</sup>

MR. NOTMAN opposed that part of the Bill which granted to the Company the exclusive right of building bridges across the river for several miles.<sup>57</sup>

The consideration of the privilege was deferred until the bill was committed to a Committee of the Whole.<sup>58</sup>

(215)

*The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge Bills.*

Bill respecting Lands for Slides.

*The Order of the day for the second reading of the Bill to enable persons to obtain Lands necessary for the construction of Slides, in certain cases, being read;*

*Ordered, That the Bill be read a second time, on Saturday next.*

Upper and Lower Canada Division Line Bill.

*The Order of the day for the second reading of the Bill to define the Division Line between Upper and Lower Canada, being read;*

*Ordered, That the Bill be read a second time, on Saturday next.*

Orders deferred.

*Mr. Gugy moved, seconded by Mr. Davignon, and the Question being put, That the remaining Orders of the day be postponed till Monday next;*

*The House divided:*

*Yeas, 21.*

*Nays, 8.*

*So it was resolved in the Affirmative.*

*Then, on motion of Mr. Gugy, seconded by Mr. Davignon,*

*The House adjourned till Saturday next.*

APPENDIX: 5 APRIL 1849.

((NOTICE OF QUESTION RE: REGISTRY OFFICES IN LOWER CANADA.))<sup>59</sup>

MR. HOLMES gave notice of his intention to enquire of the Government if they proposed to bring forward any measure to reform the Registry Offices in Lower Canada.<sup>60</sup>

((QUESTION AND ANSWER RE: SURPLUS REVENUE OF CLERGY RESERVES.))<sup>61</sup>

MR. MORRISON ((asked a question.))<sup>62</sup>

MR. INSP. GEN. HINCKS said that nothing had been paid out of the surplus revenue of the clergy reserves since 1849. Of course, he meant by surplus, the money which might remain over that portion of the fund which might be appropriated by law--that part which was left at the disposition of the Governor General in Council.<sup>63</sup>

((WITHDRAWN MOTION RE: PETITION OF COL. O'HARA.))<sup>64</sup>

MR. MORRISON moved to refer the petition of Col. O'Hara, praying for enquiry into the circumstances of his dismissal from office, &c., to a select committee.--He said that Colonel O'Hara was a gentleman of great respectability, resident at Toronto; that he had served nineteen years in the Adjutant General's Department, with efficiency, as a public officer, faithfully, and without reproach; that he undertook the office at the solicitation of the Head of the Department. Receiving it as permanent, he precluded himself from adopting any other mode of contributing to the maintenance of those who looked to him for support. A former Administration, in which as he was informed, the Hon. Attorney General West was a member, promised Colonel O'Hara a more eligible appointment--a promise frustrated he believed, by the death of Lord Bagot. The Lord Cathcart subsequently, through Captain Higginson, his secretary, also promised that in making the appointments under the new Militia Bill, he, Col. O'Hara, would necessarily be advanced. That to the surprise of Col. O'Hara, in the face of all these facts, in violation of the pledges of the Head of the Government, Lord Cathcart, at the instant and advice of the leader of the late Government, Col. O'Hara was dismissed, without any reason, without any alleged cause reflecting upon his private or public character as an officer or a gentleman; on the contrary, the document informing him of his dismissal contained an explicit approval of his official conduct; but, in the cant of the day, the "exigency of the public service" required it. In other words, it was necessary to make a change, to make way for some favorite, and Col. O'Hara must be sacrificed--the "exigency of the public service" required that honor and justice must be set aside--an old and faithful servant of the Crown dismissed to prepare the way for some corruption. He (Mr. M.) would ask hon. members if it was just or equitable that a gentleman who had filled an office for nineteen years without any complaint, should be dismissed without a moment's warning, without any compensation or offer of compensation for loss of office, and if all sense of justice was to be lost sight of? The same Government tendered compensation to two gentlemen who held similar offices for a comparatively short period; but no doubt the "exigencies of the public service" required



that they should get, he believed, £500 each. But in Col. O'Hara's case, they considered he could be sacrificed with impunity, because he was not a political tool, or for their corrupt purposes had political influence; consequently, a faithful servant of the Crown was wantonly, almost insultingly, dismissed--a grievance always odious to an honorable mind. Under these circumstances, out of justice to Col. O'Hara's feelings and position, he asked the House for the Committee, and he trusted the Government would cheerfully consent.<sup>65</sup>

MR. AT. GEN. BALDWIN opposed the motion, though he admitted that the case was one of extreme hardship. Col. O'Hara was not dismissed, but legislated out of office. He wished the motion had been made when some members of the late Administration had been present, so that they might explain how it was they had got rid of a highly meritorious officer, who had served his country during the Peninsular War, with the highest credit--got rid of him, without those rewards which were bestowed on Colonels Bullack and Gagy. However, the position of the present Ministry in this affair was this--they found Colonel O'Hara discharged by their predecessors, and it became a question, whether they should grant him £600, the sum given to the other Adjutants General. They thought the grants set bad examples, and did not choose to follow them. They should, therefore oppose the motion, which the House could only carry with propriety if they thought the ministry had done wrong. The Administration had every disposition to regard Mr. O'Hara with favor.<sup>65</sup>

MR. CAYLEY said the Hon. Attorney General had adopted a very easy mode of getting rid of the subject. The matter had been fairly discussed when Mr. Draper was in the House, and he had no further explanation to give of what took place so long ago.<sup>67</sup>

MR. AT. GEN. BALDWIN.--Well, that's a still easier way to get rid of it.<sup>68</sup>

MR. MORRISON made a few remarks in reply, but withdrew his motion.<sup>69</sup>

((WITHDRAWN MOTION RE: PRISON DISCIPLINE SOCIETY.))<sup>70</sup>

MR. BADGLEY in moving the second reading of this bill, explained that its object was not to interfere with the existing rules of the prisons but solely to promote the moral welfare of the prisoners.<sup>71</sup>

MR. AT. GEN. LAFONTAINE could not then see the object of incorporating the society.<sup>72</sup>

MR. AT. GEN. BALDWIN inquired whether the bill would give certain parties power to enter the prisons at all times.<sup>73</sup>

MR. BADGLEY.--No.<sup>74</sup>

MR. AT. GEN. BALDWIN.--He (Mr. Baldwin) was opposed to these incorporations of societies of all kinds; he thought these charitable societies could get along quite as well without being incorporated.<sup>75</sup>

MR. BADGLEY, after some further conversation, withdrew his motion, and allowed the bill to drop.<sup>76</sup>

FOOTNOTES: 5 APRIL 1849.

1. This matter was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
2. PILOT, 6 April 1849.
3. IBID.
4. The debate on this matter was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts; and MONTREAL GAZETTE, 6 April 1849, and HAMILTON SPECTATOR, 14 April 1849, in identical accounts. PILOT, 9 April 1849, and PROVINCIALIST, 12 April 1849, noted the debate.
5. PILOT, 6 April 1849.
6. MONTREAL GAZETTE, 6 April 1849.
7. PILOT, 6 April 1849.
8. MONTREAL GAZETTE, 6 April 1849.
9. GLOBE, 14 April 1849.
10. MONTREAL GAZETTE, 6 April 1849.
11. GLOBE, 14 April 1849.
12. PILOT, 6 April 1849.
13. MONTREAL GAZETTE, 6 April 1849.
14. PILOT, 6 April 1849.
15. MONTREAL GAZETTE, 6 April 1849.
16. PILOT, 6 April 1849.
17. MONTREAL GAZETTE, 6 April 1849.
18. PILOT, 6 April 1849.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. MONTREAL GAZETTE, 6 April 1849.
24. PILOT, 6 April 1849.
25. MONTREAL GAZETTE, 6 April 1849.
26. PILOT, 6 April 1849.
27. MONTREAL GAZETTE, 6 April 1849.
28. PILOT, 6 April 1849.
29. This matter was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
30. PILOT, 6 April 1849.
31. IBID.
32. The debate on this motion was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts; and MONTREAL GAZETTE, 6 April 1849, and HAMILTON SPECTATOR, 14 April 1849, in identical accounts. PILOT, 9 April 1849, noted the debate.
33. PILOT, 6 April 1849.
34. MONTREAL GAZETTE, 6 April 1849.
35. PILOT, 6 April 1849.
36. IBID.
37. IBID.
38. IBID.
39. IBID.

40. MONTREAL GAZETTE, 6 April 1849.
41. PILOT, 6 April 1849.
42. MONTREAL GAZETTE, 6 April 1849.
43. PILOT, 6 April 1849.
44. IBID.
45. IBID.
46. IBID.
47. MONTREAL GAZETTE, 6 April 1849.
48. PILOT, 6 April 1849.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. The matter was reported by: MONTREAL GAZETTE, 6 April 1849, and HAMILTON SPECTATOR, 14 April 1849, in identical accounts.
56. MONTREAL GAZETTE, 6 April 1849.
57. IBID.
58. IBID.
59. This notice was reported by: PILOT, 6 April 1849, BRITISH WHIG, 7 April 1849, GLOBE, 7 April 1849, MORNING CHRONICLE, 9 April 1849, BRITISH COLONIST, 10 April 1849, HAMILTON SPECTATOR, 11 April 1849, BROCKVILLE RECORDER, 12 April 1849, ST. CATHARINES JOURNAL, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
60. PILOT, 6 April 1849.
61. This matter was reported by: PILOT, 6 April 1849, BRITISH WHIG, 7 April 1849, GLOBE, 7 April 1849, MORNING CHRONICLE, 9 April 1849, BRITISH COLONIST, 10 April 1849, HAMILTON SPECTATOR, 11 April 1849, BROCKVILLE RECORDER, 12 April 1849, PROVINCIALIST, 12 April 1849, ST. CATHARINES JOURNAL, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
62. PILOT, 6 April 1849.
63. IBID.
64. This matter was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts; and MONTREAL GAZETTE, 6 April 1859, and HAMILTON SPECTATOR, 14 April 1849, in identical accounts.
65. PILOT, 6 April 1849.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. This matter was reported by: PILOT, 6 April 1849, BROCKVILLE RECORDER, 12 April 1849, and GLOBE, 14 April 1849, in identical accounts.
71. PILOT, 6 April 1849.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.



SATURDAY, 7 APRIL 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up,  
and laid on the table:--

By Mr. M'Farland,--The Petition of M. M'Kenzie and  
others, stockholders in the Niagara and Detroit Rivers Railroad Company, and

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inhabitants of the Township of Yarmouth.

By Mr. Bell,--The Petition of Archibald Russell and others, of Pakenham.

By the Honorable Mr. Cameron, of Kent,--The Petition of E. Reynolds and  
others, of the Township of Sandwich.

By the Honorable Mr. Papineau,--The Petition of the Reverend M. Foisy  
and others, of the Parish of St. Edouard, County of Huntingdon.

Petitions read.

Pursuant to the Order of the day, the following  
Petitions were read:--

Of the Mayor and Councillors of the City of Quebec; praying that the  
tract of land known as the Cul de Sac, may be vested in the Corporation of  
the said City, under such restrictions and terms as may be deemed proper.

Of H. Gowen, Esquire, and others, Citizens of Quebec; praying that no  
action unfavorable to the Inspector and Superintendent of Police of the said  
City, may be taken upon the Petition impugning his public and moral character.

Of Robert P. Spittal and others, of the Township of Nepean, District of  
Dalhousie; praying that the Municipal Corporation Bill and the Assessment  
Bill, may not be passed into Law.

Of J. Mills and others, of the Township of Zone, County of Kent; praying  
that measures be adopted for the abolition of the Rectories in Upper Canada,  
and for the repeal of the Imperial Act relating to the Clergy Reserves, and  
that the funds arising from the said Rectories and Clergy Reserves be appro-  
priated to purposes of Education, and the distribution of the Holy Scrip-  
tures.

Of David Doan and others, of the Township of Crowland; of John Rannie  
and others, of the Township of Thorold; of John Thompson and others, of the  
Township of Humberstone; of John S. Price and others, of the Township of  
Pelham; of Richard Graham and others, of the Township of Bertie; of Lemuel  
S. Yokom and others, of the Township of Wainfleet; and of Andrew Upper and  
others, of the Township of Thorold, all in the District of Niagara; praying  
for the removal of the District Town of the said District from its present  
site to a more central position, and that the District Council be authorized  
to select the site thereof.

Of G.G. Dunning and others, of the County of Russell; praying that the  
amount appropriated in the year 1845 for the completion of the front Road  
from L'Orignal to Bytown, may be expended in completing the same, and that  
there may be no interference with the Act 10 and 11 Vic. c.24, (for the im-  
provement of the said Road,) particularly the 10th clause thereof.

Of John R. Loucks and others, of the Township of Russell; praying for a  
reduction of law costs in the collection of debts, and for the amendment of  
the Law of Arrest in Lower Canada.

Ordered, That the Petition of George Thomas dit Bigaouette, Prefect, and  
others, Officers and Members of the Congrégation des hommes de St. Roch  
de Québec, be now received and read; and that the Rule of this House

relating to the reception of Petitions be suspended as to the same.

And the said Petition was read; praying for an Act of Incorporation.

Ordered, That the Petition of H. Lemesurier, Esquire, and others, of the City of Quebec, be now read; and that the Rule of this House relating to the reception of Petitions be suspended as to the same.

And the said Petition was read; praying for an Act of Incorporation under the name of the "St. Andrew's and Quebec Railroad."

Petition of  
J. Motz;  
Of G. Thomas  
dit Bigaouette  
and others,  
referred.

Ordered, That the Petition of James Motz, Esquire, of the City of Quebec, Advocate, and the Petition of George Thomas dit Bigaouette, Prefect, and others, Officers and Members of the Congrégation des hommes de St. Roch de Québec, be referred to the Standing Committee on Standing Orders.

Montague  
Boundary  
Line Bill.

Resolved, That the Documents, Evidence and Proofs upon which is founded the Bill, intituled, "An Act to repeal the Act defining the boundary line between the fourth Concessions of the Townships of Montague and North Elmsley," be communicated to the Legislative Council, by Message.

Ordered, That Mr. Richards do carry the said Message to the Legislative Council.

Petition of  
Victoria  
College.

Ordered, That the Petition of the Board of Trustees of the University of Victoria College, be printed for the use of the Members of this House.

Petition of  
H. Gowen  
and others.

Ordered, That the Petition of H. Gowen, Esquire, and others, Citizens of Quebec, be printed for the use of the Members of this House.

Leeds and  
Lansdowne  
Townships  
Division Bill.

Ordered, That Mr. Richards have leave to bring in a Bill to divide the Townships of Leeds and Lansdowne, in the District of Johnstown, and to attach South Burgess to Bastard, in the same District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the sixteenth instant.

On motion of the Honorable Mr. Cameron, of Kent, seconded by the Honorable Mr. Price,

Railroad Com-  
panies Bill.

Ordered, That the engrossed Bill from the Legislative Council, intituled, "An Act to make certain general provisions with regard to the services which the Government may require of Railroad Companies whose Acts of Incorporation make them subject to such general provisions," be now read the first time.

The Bill was accordingly read the first time.

Ordered, That the Bill be read a second time, on Tuesday next.

First Report  
of Committee

Mr. Christie, from the Select Committee to which were referred the Public Accounts for 1847, and the

on Public  
Accounts and  
Quebec Trinity  
House Accounts.

Accounts of the Trinity House of Quebec, with power to report from time to time, with an Instruction, presented to the House the First Report of the said Committee; which was read.

Appendix  
(F.F.F.F.)

For the said Report, see Appendix (F.F.F.F.)

Message from  
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:--

Bill requiring  
Mortgages to  
be Filed.

Bill, intituled, "An Act requiring Mortgages of personal property to be filed:"

Warehouse-  
mens' Pun-  
ishment Bill.

Bill, intituled, "An Act for the punishment of Warehousemen and others giving false receipts for Merchandize, and of persons receiving advances upon Goods and afterwards fraudulently disposing of the

same:"

Customs Man-  
agement Bill.

Bill, intituled, "An Act to amend, and to render permanent as amended, the Act for the management of the Customs:"

Limited Part-  
nerships  
(U.C.) Bill.

Bill, intituled, "An Act to authorize limited Partnerships in Upper Canada:" And also,

Bill to secure  
Real Estate

The Legislative Council request, That this House will communicate to their Honors, the Documents,

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Titles to cer-  
tain persons.

Evidence and Proofs on which is founded the Bill, intituled, "An Act to secure Titles to Real Estate to certain persons naturalized under the Statute of

Lower Canada first William the Fourth, chapter fifty-three."

And then he withdrew.

Resolved, That this House will send an Answer to the last part of the said Message, by Messengers of their own.

And the Master in Chancery was again called in; and Mr. Speaker acquainted him therewith.

And then he again withdrew.

Bill respecting  
Strychnine and  
other Poisons.

Mr. Bouthillier reported the Bill to prohibit the use of Strychnine and other Poisons for the destruction of certain kinds of wild animals; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Customs  
Duties.

The Order of the day for the House in Committee to consider certain Resolutions for repealing the pre-



*sent Tariff of Duties, and for substituting another therefor, and other references, being read;*

*The House accordingly resolved itself into the said Committee.*

*Mr. Guillet took the Chair of the Committee;*<sup>1</sup>

MR. INSP. GEN. HINCKS, who was at starting very imperfectly heard, owing to conversation going on immediately underneath the Reporters' gallery, said, that in rising to propose the resolutions having for their object the substitution of a new Tariff of duties for that now in operation, he would state at the outset that he was by no means insensible to the disadvantage of making frequent changes in the tariff; and considering the short period which had elapsed since the existing tariff came into operation, he confessed that<sup>2</sup> it was not without some reluctance that he submitted Resolutions for the purpose of making a new one.<sup>3</sup> (Hear, hear.) It was right that he should state, that to the general principles of that tariff he had not much objection, and it would be recollected that when the hon. member for Huron introduced the resolutions on which it was founded, he (Mr. Hincks), although in opposition to the Administration of which the hon. gentleman was a member, came forward and rendered him his humble assistance<sup>4</sup> to the general principle on which that Tariff was based. He was aware of the great difficulty in framing a Tariff; it was impossible to frame any one which would give anything like universal satisfaction<sup>5</sup>. There were the representatives of so many conflicting interests who were anxious that their particular interests should have some advantage over others, that it was difficult to give satisfaction. (Hear, hear.) He could understand the difficulty with which the honourable member for Huron had to contend, and he felt certain that his own tariff would not, when reported by the chairman, exactly meet his own views.<sup>6</sup> As to the great principle upon which the Tariff of the member for Huron was founded, he gave it his hearty support, because it was founded upon the great principle of abolishing all differential duties.<sup>7</sup> Looking, therefore, upon the present tariff as unobjectionable in its leading principles, he should not have felt disposed at this early period after its adoption, to have approached the subject with a view of remedying what he might conceive were trifling defects in it, were it not necessary to alter it, in order to obtain a larger amount of revenue<sup>8</sup> than they had at present<sup>9</sup> and as it was necessary to do that, it was expedient to inquire into its actual operation, to ascertain the articles in which smuggling was carried on to a considerable extent<sup>10</sup> which deprived them of a considerable revenue<sup>11</sup>, because hon. members must be aware that with the frontier we had, if these were articles which it became advantageous for parties to smuggle, it would be impossible to prevent their doing so. He also found that there was a strong feeling amongst those engaged in commerce, that the tariff should be simplified, and particularly that the duty on some particular articles<sup>12</sup> amongst other things, on Sugar,<sup>13</sup> considered excessive should be reduced. (Hear, hear.) On one of the chief articles of consumption, he had reason to believe, from information he had received, that not only had the duty been found excessive, but also that smuggling to a considerable extent had taken place in consequence of that excessive duty. (Hear.) The tariff introduced by the hon. member for Huron was essentially a free trade tariff, there were, however, certain exceptional cases of protection--chiefly few and unimportant articles as compared to other manufactures of the country--he alluded particularly to paper, glass, candles, and leather which was perhaps the most important of the four; these articles were protected by the hon. member for Huron's tariff, and he (Mr. Hincks)

could well recollect how the hon. member was beset and the pressure made upon him to give protection, but in all essential points the tariff was essentially a free trade one; there were high duties imposed on those articles which were not produced in the country, and which, therefore, were strictly for revenue purposes and were paid entirely by the consumers, and there was also a general ad valorem rate giving incidental protection according as the articles were produced or not produced in the country. Now the adoption of the principle of protection to those articles had given--as hon. gentlemen must have seen by the despatches from the Home Government--very great dissatisfaction in England.--He was not, and never had been, prepared to say that our legislation in this country should be confined and fettered by public opinion to England,<sup>14</sup> or for the benefit of the people of England,<sup>15</sup> but at the same time, upon commercial questions of this kind, he conceived that so long as the connection existed between this Colony and the Mother Country, the Imperial Government had a perfect right to interfere with regard to our commercial legislation. If Great Britain claimed and exercised the right to interfere, by remonstrance and protest, against the hostile tariffs of foreign countries; it could not be supposed that she would not exercise her right over this Colony, should we attempt to impose duties for the purpose of keeping out her manufactures. He, therefore, conceived that the Legislature was bound to have respectful regard to the opinions of the Imperial Government upon this subject, and to modify their views so as to be satisfactory to the Mother Country. (Hear, hear.) It being necessary, as he had stated, to reconsider the tariff, he had endeavoured, to the best of his humble ability, to frame it on what he conceived to be sound principles. It was exceedingly simple; hon. members must admit, that the articles upon which specific duties were imposed, were few in number. One of his objections to the tariff of the hon. member for Huron was, that there were too many duties, and he thought it had been found a great defect. Had there been no other objection to it, he should not have considered that a sufficient ground for alteration; but he thought it desirable to get rid of the number of small articles, producing a very trifling revenue. (Hear, hear.)--He (Mr. Hincks) in bringing forward these resolutions,<sup>16</sup> for the reasons which he had already mentioned,<sup>17</sup> duties being imposed for revenue purposes alone,--had endeavoured to make it as simple as possible. He did not consider that any particular branch of manufacture was entitled to protection more than another; he never could understand on what principle certain interests, which were protected by the late tariff, ought to be protected more than others. If they adopted the principle of protection at all, it seemed to him they must adopt the tariff which the Protectionist party in this city had taken the trouble to prepare, and which was drawn up on such principles as he could never give his assent to, and which was a mass of as great absurdity as he had ever held in his hand. Now to the policy advocated by the Protectionist Committee of Montreal, he (Mr. Hincks) had three leading objections. He looked upon it in an economical point of view as unsound in principle; he regarded it in a political point of view as wholly inconsistent with our relations to the Mother Country; and, 3rdly, he looked upon it in a practical point of view as<sup>18</sup> wholly<sup>19</sup> unattainable, such ((as)) could not be carried out. With regard to the first proposition, that it was unsound in theory. (Hear, hear.) Mankind are engaged in the pursuit of wealth; that was the first principle of political economy; that wealth consisted in the possession of articles which are useful or agreeable to man; these arti-

cles are only to be obtained by labour. The true policy, then, clearly was, to allow men to labour at what it was their interest to labour at, and to exchange the products of their labour for the products of the labour of others<sup>20</sup> as free from any restrictions as possible.<sup>21</sup> When Legislatures were obliged to impose duties, it appeared to him that those duties should be regulated, in order to prevent as much as possible any restriction being put on the free interchange of commodities; that he believed was the correct principle. He entirely dissented from the proposition, that it was desirable to encourage any particular description of labour--he dissented from the proposition that a country was impoverished by importing from another country. On the contrary, he believed that the great source of our wealth was our foreign trade, and that the more foreign trade we had the more would the country advance in prosperity. Nothing could be a greater fallacy and absurdity than to suppose that in importing foreign commodities, we were sending specie out of the country. He did not find that the specie of the country was so very much diminished; he found that the Banks, the principal holders of specie, had always specie enough to enable them to pay their liabilities.<sup>22</sup> They did not hear of the banks complaining of the want of it.<sup>23</sup> The fact of the matter was, that if we were to pay for our imports in specie, all the specie in the country would have left it years ago. The proposition was perfectly absurd.<sup>24</sup> This was an importing country, but it was also an exporting one<sup>25</sup>. We could not import without exporting. We are importing the products of the labour of other people, and paying them with the products of our own labour; and in no other way could we import. A nation could no more import without exporting than could an individual obtain those supplies which he required for his own support and maintenance without giving something in exchange for them. What, then, was it that the people who advocated a protective policy wanted? They wanted to prevent our obtaining the commodities which we could buy cheaper elsewhere with the product of the labour of the country, in order to direct the labour of the country to the produce of certain<sup>26</sup> manufactured<sup>27</sup> articles, which people would not otherwise produce, if they were not compelled to do so by a protective policy. Such a policy would, he believed, be prejudicial to the general interests of the country, would deprive us of our revenue, and<sup>28</sup> reduce it to Bankruptcy.<sup>29</sup> He therefore maintained that it was unsound in principle. Now, looking at the question in a political point of view, he would first of all call the attention of hon. members to the Despatch of Earl Grey on the subject laid before Parliament at an early period in the session--and he would ask them to reflect for one moment what interest Great Britain could have in keeping up the connection with this Colony, and protecting this country, if we were to legislate with a view of keeping out her manufactures, instead of exchanging for them those products for which our country is especially suited, and thereby promoting our mutual advantage?<sup>30</sup> None.<sup>31</sup> It was perfectly absurd to suppose that Great Britain would continue to do it; and, therefore, if they were to adopt the theory of the Protectionist party here, and lay on protective duties,<sup>32</sup> he could not look upon it as anything else than a declaration of independence<sup>33</sup>. (Hear, hear, and cheers.) It would be much more candid and straightforward to<sup>34</sup> coldly<sup>35</sup> come forward at once with a declaration of independence<sup>36</sup> and then they would understand them.<sup>37</sup> (Hear, hear.) The next argument he adduced was, that this protective policy was impracticable, and could not be carried out. What did experience show in regard to this matter? They knew that if



they put on high duties, such as would act as a protection they would find it utterly impossible to collect them; they could not possibly with such an extended frontier as that of Canada, prevent smuggling in every article which was protected, and which was produced to any great extent in the United States. They knew that in defiance of our Custom House establishment--in defiance of every precaution<sup>38</sup> they could adopt<sup>39</sup>, smuggling went on in those articles at present protected. (Hear.) He would cite, as an example, whiskey. American whiskey had heretofore been subject to what was in fact a prohibitory duty, a duty so high that not one gallon of American whiskey had paid it, and yet, at the same time, they knew as a fact, that American whiskey was smuggled to an enormous extent. He had no hesitation in saying that the Province had lost £10,000 revenue on the whiskey which was smuggled into the Province; and he said it on the authority of those who had the very best means of information on the subject<sup>40</sup> and he thought<sup>41</sup> his hon. friends from Leeds and Brockville, in which part of the country much of the smuggling in whiskey went on, could he had no doubt corroborate what he said<sup>42</sup>, that the smuggling of whiskey was carried on to an extent which it was impossible to have an idea of.<sup>43</sup> The smugglers went about their work in large bodies--contests had taken place between them and the Revenue officers--officers had been wounded, and it had been found utterly impossible to put a stop to it. They could not provide a sufficient force to guard a frontier so extensive as ours; as long as the duty was such as to offer a sufficient premium to evade the law, it would be evaded and smuggling would continue.--But he had one more argument to offer on this subject.<sup>44</sup> He did not think that those parties who were so anxious for protection, knew the effect of carrying out the policy in all its results, if the mother country abandoned them because they excluded her manufactures and Canada became an independent Province<sup>45</sup> or ... annexed to the United States. As a separate Province we could not carry out protection and prevent smuggling, and if we were joined to the United States there would be an end altogether to protection, for how could we protect ourselves from the very articles on which it is proposed to put high duties?<sup>46</sup> He would like to ask the distillers, who were so anxious for protection, could they compete with the American distillers then, when they had lost what protection they had now.<sup>47</sup> The only difference would be that they have now certain incidental protection under the proposed tariff, whereas, if joined to the United States, they would have no protection whatever, and would, according to their own shewing, be in a worse position than ever. (Hear, hear.) Having thus stated his general objections to the counter resolutions which he understood were to be proposed by the protectionist party, he would say a few words on the resolutions he should have the honour to move. He would first observe, that differing widely from the advocates of protection, he was, after giving the subject his best consideration, more and more impressed<sup>48</sup> every day<sup>49</sup> with the conviction, that the best system of duties was a system of ad valorem, not specific duties. Under the resolutions which he should have the honour to move, ad valorem duties were in every case imposed, but in certain cases an additional specific duty was imposed. His sole object was to carry out the ad valorem system to the fullest extent, but he deemed it best to proceed with caution, as the system was new in this country. The ad valorem duties which had hitherto been collected, had been collected with great remissness, and there had not been that care taken which would be necessary in adopting a general system of ad valorem duties, such as would, he hoped, be adopted by the present tariff. But with

regard to the general principle, he apprehended there was hardly any hon. member who would object to the propriety of charging duties according to the value. The difficulty would not be as to the principle, but as to the mode of carrying it out. The hon. gentlemen would say that the duty would be easily evaded,--that it was more easy and certain to collect specific duties.<sup>50</sup> They were very unequitable and unjust<sup>51</sup>. He admitted there was some force in these arguments, but they were far overbalanced by the advantages of the ad valorem system. By reference to the Protectionist tariff, they would find that they had been obliged to combine specific duties with ad valorem rates, and in the United States it was the same. The proposition of charging exactly the same duty on woollen-cloth, which was worth 2s. a yard, and making the poor man who used such cloth pay as much as the rich man who used cloth worth 25s. a year, was obviously unfair--it was placing taxation directly on the poorer classes of the community.<sup>52</sup> This was absurd and unjust<sup>53</sup>. (Hear.)<sup>54</sup> While on the subject he would read a short extract from a late report of the late Secretary to the Treasurer of the United States, Mr. Walker. The hon. gentleman then proceeded to read from Mr. Walker's report an extract in favor of lowering the duties and substituting ad valorem for specific duties. The hon. gentleman continued, that was the opinion of Mr. Walker after the experience which he had derived from the working of the Tariff which was introduced into that country, and he (Mr. H.) would only glance at the particular effect of specific duties upon the few articles which have been protected by the late Tariff. There was the article glass, upon which a duty of ls. 3d. per fifty feet was levied, without regard to its quality and size<sup>55</sup>. Now what was the effect of that? The low priced glass used by the owners of every small dwelling throughout the country, had to pay a most exorbitant tax ad valorem for the purpose of protecting the two or three glass manufactories in this country, while the man who imported plate glass of the finest and most costly description paid absolutely nothing compared to the value of the article. Was that a right principle? Was it right that the poor man should be taxed heavily on the description of glass that he used, whilst some of the storekeepers of Notre Dame Street could import their costly plate glass, and pay scarcely any duty on it? The same argument applied to other articles. A specific duty fell heavily on the man who consumed a low priced article, whilst the man who imported the high priced article paid hardly anything in proportion to the value of the article. There was another leading article of consumption, which he had had considerable difficulty in endeavouring to place upon a satisfactory footing--he alluded to wine. Under the hon. member for Huron's tariff, the duty upon low priced wines was such as to be prohibitory to the poor man,<sup>56</sup> and he had heard great complaints on the subject; if there was any kind of liquor more than any other which it was desirable should be drunk by the people, it was low priced wines, well by placing a duty of ls. a gallon upon all wines it operated as a most exorbitant tax upon the low priced wine, while the fine wine came in at a mere nominal rate. The rich man who drank champagne, claret, burgundy and other fine wines paid nothing like duty on them, while the poor man's sort paid something like 100 per cent duty. For his own part he thought that it was desirable to come as soon as possible to ad valorem duties universally, but at the same time it was desirable to approach the subject cautiously, it was not desirable to adapt them to articles paying a very high duty, such as sugar, unless they were sure that the system of appraisement could be carried out. And while he had with regard to some

eight or nine articles put a specific duty on them along with the ad valorem one, it was his desire to have the ad valorem system of duties applied to them at the first moment, he thought it could be fairly done.<sup>57</sup> He had no hesitation in saying that his anxious desire was to see the ad valorem duty applied universally the first moment the Province was prepared for it. (Hear, hear.)<sup>58</sup> There was one other subject which he was desirous of making a few remarks upon; he referred to the mode of levying the ad valorem rate, the principle upon which it was to be levied<sup>59</sup>. He had heard great objections made to the principle proposed in the resolutions of levying duties on the value of the article at the port of importation, and arriving at that value by taking the invoice cost of the articles at the place whence it was imported, and adding thereto the charges on its importation. These objections arose, he believed, because the persons making them had not given the subject due consideration. There were but three modes of obtaining the value of goods for an ad valorem duty. The first mode, and<sup>60</sup> he believed the most popular one generally with merchants, was to calculate the value upon the invoice price at the place of export and he was urged by several to put on a larger duty and to take the invoice value of the articles at the port of shipment. The second proposal was to adopt the system<sup>61</sup> lately in force--to consider the duty which was charged at the port of importation, but to arrive at the value by taking the invoice value and adding thereto a certain arbitrary rate<sup>62</sup> as the cost of the charges for freight, &c.,<sup>63</sup> say 10 or 20 per cent--in order to cover the charges.<sup>64</sup> If those two modes were unsatisfactory there was another mode, which was<sup>65</sup> to take the invoice value and charges. Now, with regard to taking the invoice value, he would lay down, first of all, a proposition to which he was sure every hon. member would give his assent--but it was desirable as much as possible to prevent fraud, and to prevent the fair trader being imposed upon by other persons entering their goods below the real value; and if they took that as a stated principle, he would ask what protection they had against fraud, if they took the invoice value at the port of exportation? How were they to tell that the invoice produced for goods purchased in London, Glasgow, or Manchester, was a fair and bona fide one? The invoice might be genuine, but how were they to tell whether it was so or not, as fraudulent invoices were constantly made?<sup>66</sup> And how could they get men in this country to say what the value of those goods were in Glasgow or England.<sup>67</sup> (Hear, hear.)--He knew, from those who had been engaged in the trade, that there was an immense deal of fraud of this kind practised in Manchester.--<sup>68</sup>

MR. METHOT.--It is never done with goods from England.<sup>69</sup>

MR. INSP. GEN. HINCKS.--The hon. member said, it was never done with goods from England. Well, if they adopt his principle it would lead to the same frauds and to our having a greater trade with the Americans. The best mode, if the hon. member wished the trade to be continued with England, was to adopt the best means of protection against fraud. He (Mr. H.) believed that there was just as much fraud about the payment of duties in Manchester as there was in the United States, his objection to this mode of calculating the duties was that it was impracticable. He then came to the next mode, he did not<sup>70</sup> mean to say that fraud would be entirely prevented by any means that could be employed<sup>71</sup> but they should adopt the best mode and use all the precautions in their power to prevent it, and<sup>72</sup> what were the means most calculated to prevent it? Why, by adopting the system under which goods were



charged at their value at the port where they were entered. The goods might there be examined, and their actual value ascertained, and if the trader entered them below their value, the responsibility would be his own, and he would be subject to severe penalties. This was the system recommended by Secretary Walker, and it had been found to work well. If the officers of the customs were satisfied that the invoice was right, there would be no difficulty<sup>73</sup> with the fair trader.<sup>74</sup> But if there was reason to suspect fraud the goods would be<sup>75</sup> valued by appraisers and they would be valued at 20 per cent below the invoice value, so that there was a fair margin given, and no man could make a mistake of 20 per cent on the value of the goods; most merchants were able to tell within 2 or 3 per cent the cost of goods and the average amount of the charges. He had taken the trouble to send to New York for a copy of an entry made there because he had heard a great deal about the objections which had been made to putting in all the charges and the difficulties which it would lead to. He had a copy of an entry which had been made of several articles, there was a column for the package, another for the cost, and one for the charges, add those two last together and there they had the amount upon which the duties were to be calculated.--If the officer thought there was anything wrong, he got the goods appraised by two merchants, and if it was found that they were undervalued more than 20 per cent, the party was subject to<sup>76</sup> severe penalties and if he were dissatisfied with the appraisement, he would have a right to have the goods examined by two disinterested merchants, belonging to the port at which the goods were entered. That was the system proposed, and he believed it was the only one by which the revenue of the country could be protected. With regard to the change which he proposed to make in the present tariff, the subject had been so much discussed that it was unnecessary he should enter into it at great length. The principal reduction would be on the article of sugar, which he had reason to believe had been very extensively smuggled. There had been a general demand for a reduction of the duty; and he believed that upon that point he should have all parties with him, as the hon. member for Huron had only put on the heavy duty from the necessity of raising revenue.<sup>77</sup> He believed that the protectionists were in favour of a reduction far greater than he could believe was necessary, and which would reduce the revenue greatly. Then with regard to the duties on a certain descriptions of articles which were enumerated in the bill passed for a reciprocal trade with the American States, such as animals, butter, cheese &c., he proposed to allow them to come in at the same rate as unenumerated articles. He did not think it expedient even although the reciprocity bill had not been passed to impose a higher rate of duties on those articles. He had brought forward the measure in the shape in which he would like to see it pass, but he did not think he would be able to carry the Tariff in the form he desired to have it carried, but as the higher duties which would be proposed would be inoperative, he did not think any great injury would be occasioned by them. The only other articles which had been protected and the duties on which he reduced, were leather, paper, candles and glass.<sup>78</sup> After going over several minor items, the hon. member referring to leather, said he should like to know from those who were prepared to adopt the Protectionist policy to its full extent, why the shoemaker was entitled to protection more than the tailor? He dared say many hon. members had committed the sin before now of ordering clothing from a London tailor, and having it sent out.<sup>79</sup> Yet the tailors never ask for protection.<sup>80</sup> The

tailor here had to compete with the London tailor; and he was to have no protection, but the shoemaker was entitled to protection! He wanted to know why the glass manufacturers and the paper manufacturers were to have protection<sup>81</sup> any more than the cloth manufacturer; there were many extensive cloth manufacturers in the country, more especially in Upper Canada, and they wanted no protection. He knew that those manufactures had sprung up in the country and prospered, and that the parties had made money by them.<sup>82</sup> They were quite willing to compete with the English manufacturer.<sup>83</sup>

MR. ROBINSON.--They have some protection.<sup>84</sup>

MR. INSP. GEN. HINCKS.--He would admit that they had a little which would not be decreased by the proposed Tariff, but rather increased.--He had seen a statement from a manufacturer in Lowell, which said, that it was impossible for them to get on with a duty of 30 per cent, that that is not sufficient to protect manufactures in that country? What was there to prevent the people of this country from manufacturing broad cloths?<sup>85</sup> He should be told perhaps, that labour was too high here; but why was the price of labour so high? Because persons could occupy themselves to more advantage at other pursuits. (Hear, hear.)--<sup>86</sup> Nothing could show the prosperity of the country better when it enabled them to get the advantage of the experience of the mechanics of Manchester in the manufacture of cloth, while they were engaged at something more profitable. But it has been said, that if they did not get manufactures established, they would go back; he asked them to look at the statistics and census, and let them look at the large amount of cultivated land now compared with what was ten years ago. No one could tell him that a country in which wild land was turned into cornfields at such rate as it had been, was not prosperous. And let them look at the number of manufactures which had sprung up, and that without any protection and which flourished without it. The hon. gentlemen (sic) then gave a statistical account of the large quantities of woollen cloth, flannels, produced in the country. The hon. gentleman continued, they wanted to protect certain interests of far less importance than those, in order to divert (sic) the labour of the country to things which were less advantageous than those which it was now engaged in. The wheat the people of this country raised in 1840 amounted to 7,500,000 bushels, an increase of 4,000,000 bushels over the quantity produced in 1842, the oats had increased during the same period over two millions of bushels, peas 490,000 bushels. The increase in cultivated land in cattle and agricultural produce during the last few years was extraordinary, and he could not understand the policy of those who endeavoured to drive the labour of the country from agricultural pursuits to engage it in other pursuits, which certain men thought would be more beneficial to the country. Why would they not allow the people to think for themselves; they must surely know which was (sic) the most profitable occupations for themselves. Two or three men took in into their heads to start glass manufactures in the country and then they asked them to protect them<sup>87</sup> so as to compel people to use their glass<sup>88</sup> because they could not compete with other people<sup>89</sup>. The grand argument of the Protectionists was, that this was a sacrifice market<sup>90</sup> and that they will be ruined by foreigners sending their goods to be sacrificed here, he hoped such was the case for he did not see how people sending out their goods here to sacrifice them could ruin this country, on the contrary, he thought it would benefit it.<sup>91</sup> He (Mr. Hincks) wished he could find some one to consider his house a sacrifice market-- (Hear, and a laugh)--and send him things for nothing--it was precisely a

case in point; for his own part, he could not perceive how we could be ruined by people sending their goods here to be sacrificed.<sup>92</sup> He thought he had now sufficiently stated the grounds upon which the resolutions were framed, and he believed he had discussed the leading objections which he supposed would be offered to them, and he would sit down by moving that the first resolution be adopted.<sup>93</sup>

MR. CAYLEY said that he was quite ready to acknowledge the support which the late Government had received from what was then called the opposition press, at the time of the introduction of the tariff of 1847; that support was however accorded, more particularly, to one portion of the bill, viz.: the abolition of differential duties, but the hon. the Inspector General had not acquiesced, as he had truly informed the House, in the moderate protection given to the Agriculturist and the Home manufacturer by that bill. His hon. friend had enumerated 1 or 2 branches of trade, but had omitted others which had been materially encouraged by the removal of the duties from the raw material, for example, from dye stuffs, wool and teasles (sic) required in woollen factories, from pig iron, bar, rod and hoop iron, in the manufacture of nails, scythes, axes, machinery and castings. He (Mr. Cayley) had always advocated the principle of imposing duties for revenue, and was prepared to give his humble support to the hon. the Inspector General to carry out that principle; but as long as the foreign markets were closed, by high duties, to Canadian products and manufactures, he should always advocate moderate protection to the Canadian Agriculturists and manufacturers. The hon. the Inspector General had pronounced protection to be unsound, impolite and impracticable, he, Mr. Cayley, was prepared to acquiesce in that doctrine whenever a free exchange of products and manufactures should be established with their American neighbours and foreign markets; but he did not understand that principle of free trade which advocated the throwing open the Canadian markets to foreign products, while foreign markets continued closed to Canadian products.<sup>94</sup> By the late tariff whiskey was subjected to a duty of 2s. per gallon, which might be considered prohibitive; and there were several other protective enactments, proceeding chiefly on the principle of admitting the raw material of manufactures free of duty. Brass castings, glass manufactures, &c., were thus protected. Leather manufactures had been protected as far back as 1845. The hon. Inspector General, however, had referred to a despatch of the Home Government; but he (Mr. Cayley) believed the hon. member had hardly stated the case fairly, for though the voice of the Glasgow manufacturers had been heard complaining of these high duties, the Imperial Government merely pointed them out as objectionable, while they assented to them. It was objected that there were too many divisions and subdivisions in the last tariff. It was true, there were a great many; but the object was by distributing the duties over a great number of articles to attain that equality of taxation which Mr. Secretary Walker in the United States had so constantly desired. He now came to the question of specific or ad valorem duties, and he found (as we understood) that almost all the articles on which it was now proposed to place an ad valorem duty were in England subjected to a specific duty. Now, why, if ad valorem duties were so good, were they not levied more extensively in England? Free Trade was good in theory if it could be got over the world, but as yet England alone had not taken any step in that direction, to the manifest discontent of the agricultural population; and, he did not know, therefore, that there was anything to induce Canadians to follow the example. Every mail brought accounts of the discontent of the farmers, and that one or other was on the point of



throwing up his lease<sup>95</sup>, no longer able to pay the old rates of rent, and compete with the American producer; did not the very last papers which had been received from England, quote the language of Mr. Gladstone in reference to the navigation laws, in effect, that if the Americans did not reciprocate in that measure, a clause would be introduced excluding American shipping from the advantages of the Act. Was that unconditional Free Trade? Or was it not made to depend on the adoption of a general system of reciprocity?<sup>96</sup> What did that mean except that people should not be admitted to this one-sided free trade.<sup>97</sup> Give to Canadian products free admission into foreign markets, and they would ask for no protection of any kind, quite content to battle their way on equal terms. He, Mr. Cayley, well understood the difficulty to which the hon. the Inspector General referred in preparing his tariff having himself gone through the same labor in 1847.<sup>98</sup> None but those who had tried it could be aware of the difficulty of meeting so many conflicting interests in the levying of imports on so large a number of articles. All that could be done was to watch the effect of previous tariffs and compare them with the means of the country to produce, or her requirements which would lead to a demand on certain articles.<sup>99</sup> With every exertion, errors could not be avoided in adjusting the duties of some 400 articles, and it was only by a careful examination of the working of the tariff, after it had been brought into operation that those errors could be corrected.<sup>100</sup> For his own part, he would be always ready to take off any duty the revenue could bear to lose, for he was for duties intended for revenue, not for protection, though he was in favour of a certain protection on some articles.<sup>101</sup> On taking up the discussion of any new scheme for the imposition of customs duties, three distinct propositions appeared to him to present themselves as a basis on which to ground inquiry:

1st. Whether all articles that passed through the Custom House, should equally be made subject to duty?

2nd. How that duty was to be levied?--and

3rd. What amount of duty each article would bear.

Passing by the first point for the moment, he, Mr. Cayley, would take up the second question first, namely, the mode of levying duty in other words, whether by fixed or ad valorem duties. First impressions appeared generally to be in favor of ad valorem duties, the principle itself being undeniably just and reasonable; and the rate being fixed by law the difficulty of establishing the value of goods imported, either by the production of the invoice, the bill of sale, or by appraisement, did not in the first instance present itself, and it was not until inquiry was pushed further that it was generally perceived how widely the door was opened to the practice of every kind of fraud, false entries, short prices, valuations at the mine, as in the instances of coal and iron, and not at the place of exportation, freight and carriage undervalued, tonnage or wharfage or shed dues omitted. It was difficult even in ports like Quebec and Montreal, where skilful valuers and appraisers were to be found, men who had been accustomed to the business all their lives, to detect fraud in many cases, and, he believed, even at those ports, it would be found of very great service, if an arrangement could be made with the Custom House authorities in England, for copies of all entries<sup>102</sup> for Canada. But putting that aside, it was obvious, that as the very extensive frontier to which allusion had been made, abounding in small ports, where the small amount collected made it impossible to have more than one officer, yet where it was impossible to abolish the port with justice to the neighbouring country,--it was obvious that in such localities it would be

utterly impossible to prevent fraud indeed<sup>103</sup>. The hon. the Inspector General had himself shown his apprehension of those consequences by the clause introduced at the end of the resolutions, making provision for a whole army of appraisers, but he, Mr. Cayley, saw no necessity for such a heavy additional expense, which ultimately had to be borne by the consumer, or for the adoption of a system which rendered such expense necessary, and which, consequently, he should be compelled to oppose.<sup>104</sup> Again (as we understood the hon. gentleman), the matter of estimating the cost, by adding the charges to the invoice price, gave an advantage to importations from England over those from the United States, and was so far a return to the differential duties; for the charges on goods conveyed to Canada by the United States would, of course, be higher than those brought to the sea ports, and thus the duty on the former would be increased.<sup>105</sup> The next question which he would touch upon, was the amount of duty which each article was susceptible of bearing, the old idea, that in order to double the revenue, it was only necessary to double the duty, had long been exploded, and on each article experience had shown, that there was a limit, a maximum, beyond which it was impossible to go, without giving rise either to smuggling with the view of evading payment altogether, or to the substitution of some other article which came more within the means of the bulk of the consumers. That limit could in his opinion, only be ascertained by a careful examination of the effects of former tariffs on the imports, and the growth of home manufacture, and agricultural products<sup>106</sup>. In fact, he might say it was impossible beforehand to form any idea of the effect of a tariff<sup>107</sup> and he much feared that the hon. the Inspector General was disposed to make far too sweeping a change, seeing that the present tariff had been in operation for only one year, and that one year of unexampled depression, in nearly every branch of the trade. To show the fluctuations of imports, and the difficulty of determining whether those fluctuations arose from light or too onerous taxation, or from the great use or disuse of particular articles he would select some examples from the printed returns of 1848 giving the increase or decrease of importation as compared with 1847--in apples, for instance, there had been a falling off of revenue to the amount of £475, and yet no change of duty had taken place on that article for several years. The new tariff proposed to raise the duty. In 1847 an increase of duty had taken place on figs and currants, yet the returns of last year showed increased importations of both those articles,--of figs, from 179cwts to 573 cwts and currants from 2926 cwts to 3479 cwts, and giving an increase to the revenue together of £768. The new tariff proposed to raise the duty on each of the three articles of apples, figs, and currants indifferently. The duty on candles had been changed by the tariff in 1847, it had been reduced on sperm, and increased on composition candles, the last returns showed an increased importation taking values for quantities from £3444 to £7476 with an increase in the revenue from £816 to £1114. The new tariff proposes a considerable reduction in the duty on candles, and had the importations of last year been charged at the new rate, the revenue would have been diminished from £1114 to £747. The duty on india rubber shoes had been reduced in 1847, and yet the returns showed a falling off from 33,372 pairs to 25,912 pairs on that article as well as on glass, it was also proposed to make a very considerable reduction, which, assuming the importations of 1848 as a basis for calculation, would produce a diminution in the revenue on india rubber shoes from £825 to £324, and on glass from £1961 to £1569; the change of duty on the latter article would militate very seriously against the glass works recently established

in the Lower Province. The last reference he would make would be to the articles of sugar and molasses, the revenue from sugar formed the largest item in the customs returns, the duty on refined sugar had been slightly increased by the tariff of 1847; the last year's returns showed a decrease of revenue of £400 on that item, on raw sugar the duty had not been changed, the returns, however, showed a very large falling off, from £71747 to £34878, or a decrease of nearly £17,000,—on molasses the duty had been reduced from 4s. sterling to 4s. currency, and yet the quantity imported last year had fallen from 48746 cwt. to 36602 cwt or nearly 25 per cent. The new tariff proposed to raise the duty on molasses from 4s. to 5s. 9d., and reduce it 10 per cent on refined, and 4s. on raw sugar. It would be remembered that the duty on raw sugar had been reduced 1s. 10d. per cwt in 1846, and that the importation had been very large in 1847, which might partly account for the light importation of the last year. The instances which he, Mr. Cayley, had selected were sufficient, he thought, to show the impossibility of calculating with certainty upon the immediate result of any scale of duties which the House might see fit to adopt, and the danger of making sweeping changes, based upon the importations of 1848. He was not in favour of the very great reduction proposed in sugar, and should be prepared to give his reasons when that item of the Resolutions came under discussion. The observation which he had made in reference to glass manufactures took him back to the first question he had raised, viz., whether all articles should be equally made subject to duty<sup>108</sup>, whether in fixing the rates of duty, the House should not have regard to the consideration that the article to be taxed could, or could not be manufactured in Canada.<sup>109</sup> The scheme of the hon. Inspector General he considered to be most defective and objectionable on that head, as shewing a total disregard to the manufacturing and agricultural interests of the Province. The proposed bill made a most sweeping reduction of duty on cattle, removed it entirely from wheat and indian corn, reduced it enormously to the distiller, on whiskey, the manufacture of which absorbed a very large quantity of the coarse grains of the country, and threw it almost entirely off leather and leather manufacturers<sup>110</sup> so ... that he feared it would shut up most of the tanneries<sup>111</sup>, in short going back to or rather below the scale of 1841, which would most undoubtedly affect the farmer, and others connected with that branch of trade. On the other hand the duty was increased on salt, on tin, lead, pig iron, hoop and cast iron, boiler plates, in fact every description of iron, which entered into the manufacture of nails, scythes, axes, tools, boilers, castings, engines, and machinery of all kinds. Not to deal in general facts he would take the article of leather and leather manufactures. Since the adoption of the tariff in 1835, tanneries had sprung up in every direction, and the home manufacture of boots and shoes had increased to a very great extent; the new tariff would have the effect of seriously depressing both those branches of trade. The return laid before the House, by the Board of Statistics, shewed that upwards of 90 new tanneries had been established in Upper Canada within the last four or five years, clearly shewing the impulse which had been given to that branch of manufacture by the tariff of 1845. There were no census returns from Lower Canada, but many tanneries had been named to him, such as the Milton, Sykes', Stinson's, Damon's, and others which had sprung up in the Eastern Townships within the last three or four years, the proprietors having been induced to embark in that description of business by the encouragement offered to the trade. He had been informed, within the last few days, that the owner of a large tannery in



Terrebonne, one of the largest in Lower Canada, was prepared to abandon the business as hopeless, if the new tariff, so largely reducing the duty on leather, went into operation; that establishment required a capital of £18,000 to carry it on, gave daily employment to from 24 to 30 hands, and turned out, on an average 24,000 sides of leather per annum, and required a yearly supply of 7000 cords of bark, an article which afforded, in stripping and carting, a good deal of employment to the poorer population. Now what was the reason that the tanner apprehended such injurious consequences from the reduction of duty?--was it that he could not manufacture as cheaply?--or that labor was higher, and that he could not compete with the American producer? No,--for if reference were made to the average prices of leather and leather manufactures for the last four years, that was for the four years of protection, it would be found that the average was lower than for the four antecedent years, with less protective duties, the true explanation was, that in taking off the duty, the Canadian market would be thrown open to the American manufacturer, while, without some reciprocal arrangement, the American market would continue closed to the Canadian manufacturer, and the market of the latter, consequently, would be liable at any time to be flooded by the surplus stock from the neighbouring States, and the result of such liability was, not to keep down prices permanently, but to destroy the manufacturer by exposing him to a competition against which he could not struggle, for, while his own market was thus forestalled by the foreign producer, it was not the real market of that producer, but operated as a safety valve for him, through which he could dispose of his surplus stock at first cost, or at a sacrifice, if need be, to maintain prices in his home market.<sup>112</sup> What had been the effect of the protection of leather and boots and shoes? On comparing prices, it would be found that during the last four years prices had been very much lower than during the four years preceding. The cause was this, that the manufacturer had been enabled to go fairly into the market, employ the full strength of his capital and hands, and supply the demands of his own market; but bring to bear on him the surplus of these foreign markets, and it would be found that in a few years half the tanneries would be closed, and the shoe shops supplied from the surplus stocks from the United States.<sup>113</sup> Ten per cent was no protection against the action of the surplus stocks from the United States; in addition to which, such a reduction would have the effect of opening the door to the importation of convict manufacture, and the market would be flooded by supplies from Sing Sing and Auburn.<sup>114</sup> Canada, indeed, would be exposed to that most obnoxious labour performed by convicts in the Penitentiary--so obnoxious, that the produce of it was not allowed to be sold in the United States. Within the last few days, he had been informed that a tanner of Terrebonne had declared he must shut up if this tariff passed. That establishment gave employment to a capital of £18000;--20,000 or 25,000 sides of leather were manufactured there; and from twenty-four to thirty hands were employed there, besides numerous persons who were engaged in stripping bark. So with regard to boots and shoes. He was informed that 300 or 400 hands were employed by a firm named Brown & Childs, and that they were ready to discharge one half their people immediately this tariff should come into operation.<sup>115</sup> OR Brown & Childs, ... who had been in the habit of employing between 300 and 400 hands, in boot and shoe making, had ... paid off upwards of a third of their number. The number of hands employed in the city of Montreal in the manufacture of boots and shoes, ranged from 1500 to 2000, and there was reason to apprehend that the effect of the new tariff would be to throw half of them out of employ, from the fact that the trade could not venture to keep a

large stock on hand subject to the influences to which he had referred,--proof of that position could readily be found by comparing the light stocks formerly kept on hand, with the present capabilities of the trade to meet any sudden demand.<sup>116</sup> After the cessation of the present demand for boots and shoes for California, there be a glut (sic); the home manufacturers would be driven out of the market; and prices would once more range higher to pay these foreigners. He (Mr. Cayley) had been asked what he meant by a sacrifice market? A sacrifice market was that in which the manufacturer from time to time disposed of his surplus; it was not one where he was constantly operating. It would, no doubt, be convenient, as the Hon. Inspector General had said, to get goods at a cheap rate from the Americans, while our own people were employed in a more profitable manner; but that could not be done. The glut ruined the home manufacturer, and then prices went up again. With regard to boots and shoes, he might say that the trade here were in the habit of importing large quantities of goods, which thus came into competition with our own manufactures; whereas gentlemen who sent home for clothes did not get them ready-made, and there was no considerable competition caused with any class in this country.<sup>117</sup> If it could be shewn that a reduction of the duty tended to a permanent reduction of the price of the article to the consumer, one point would at least be gained; but the very reverse was the fact. On the adoption of the tariff of 1845, the fear of the surplus stocks from the neighboring States having been removed, the leather trade had exhibited an activity which it did not formerly possess, and the Canadian manufacturers competing with each other on equal terms, had entered with more confidence and on a larger scale into the business and a reduced average of price had been the result. The same arguments would apply to other branches of trade: the manufacture of glass, for instance, of woollens, of castings, of machinery--a great reduction of duty would operate prejudicially to their manufactures, unless accompanied by a corresponding reduction in the American tariff. Had the President of the Council, the hon. Mr. Merritt's scheme of reciprocity with the United States been carried out the whole appearance of the question would have been changed; but as it was so long as the American market remained closed to Canadian products, the Canadian market could not be thrown open without producing most injurious effects on the manufacturer, who, by degrees, would be compelled to give way to the importer, and the result, in the long run, would be that the market here would be controlled by New York prices, but ranging at a higher figure to cover commission, charges, &c. While he (Mr. Cayley) was prepared to admit that, by encouraging importation rather than home manufactures, the revenue might be temporarily improved, which appeared the sole object of the hon. Inspector General's bill, he was decidedly of opinion that the injury which would be inflicted on the manufacturing interests would be far more than commensurate with the advantages to be derived from the change of system--To show the effect that was anticipated from the new tariff on that class of manufacture he would state the information he had received from one of the proprietors of the two principal if not the only glass fabricks then in Canada, namely, the Ottawa and the St. Johns Works; he had been assured that both these establishments would be closed if the new tariff went into operation without some modification of its conditions, as far as they were concerned; and that the owner of the St. John fabrick, Mr. Atwater, had expressed his determination, in the event of no change being affected in the new tariff, of at once removing his works across the lines, in order that

he might have the benefit of the double market.--118 If enough protection had not been accorded them under the old tariff, this was the moment when that should be remedied. These works employed one hundred and fifty men, for the great cost of the manufacture of glass was not in the sand, &c., but in wages. He believed the tariff now proposed would temporarily raise the revenue; but it would do so by sacrificing the manufacturer.<sup>119</sup> The next branch of manufacture to which he begged to call the attention of the Committee was that of castings; the present tariff imposed a duty of 124 per cent on imported castings and one per cent on pig iron; the new tariff proposed to raise the duty on pig iron to 10 per cent and to reduce the duty on castings by  $2\frac{1}{2}$  per cent; the practical effect of which was to place a heavier duty on the raw material than on the manufactured article, for hon. members would perceive that the less costly the article, the heavier in proportion were the charges of freight and carriage. He would read to the house, from a statement which had been given him the cost and charges on a ton of pig iron from Glasgow:--

	Sterling
Price, at Glasgow, per ton . . . . .	£2 12 0
Tonnage and shed dues at Glasgow . . . . .	0 1 6
Commission for purchasing (5 per cent) . . . . .	0 2 8
Freight to Montreal . . . . .	0 12 6
	<hr/> £3 8 8 <hr/>
Duty, according to new tariff, on cost and charges	
10 per cent . . . . .	£0 6 10
Add wharfage due at Montreal . . . . .	0 0 8
	<hr/> £0 7 6 <hr/>

equal to  $14\frac{1}{2}$  per cent on the original cost of the article at Glasgow. Add to that amount, the cost of transport on coal, a very bulky article, a change from which those who had the materials near at hand were relieved from, and it would be found that the Canadian founder would not be able to compete with the foreign manufacturer. Even under the present favorable arrangement of duties, it was well known that very large importations of stoves and other castings took place yearly from the United States, an importation which no one could doubt would be greatly increased if the contemplated change in the duties was carried into effect. There were two parties in the Province, however, who would be protected from the ill consequences of that change, namely, the proprietors of Longpoint, and St. Maurice Foundries, who having iron ore on their own ground made their own pig-iron, and would consequently if the new tariff went into operation have a protection of  $14\frac{1}{2}$  per cent against their less favored brother foundries, who were obliged to import iron from England or America;--by reference to the census returns, hon. members would see that there were upwards of 100 foundries in Western Canada alone. The last point on which, for the present, he (Mr. Cayley) would trespass on the time of the house, had reference to the proposed reduction of duty on whiskey; the present duty of two shillings per gallon amounted to a prohibition. The proposed duty of ten per cent, after getting off the 2d. against the excise duty of equal amount, would have the effect of closing half the distilleries in the Province, and of depriving the farmer of his principal means of dis-



posing of his coarser grains. Owing to the abundant supply of Indian maize, their American neighbours in Ohio could afford to manufacture and sell whiskey at a price ranging from 8d. to 10d. the gallon, while the Canadian Distiller, it was well known, could not afford to make it under 13d. and 15d. per gallon; he, Mr. Cayley, was aware that one of two Distillers entertained hope of finding a market for their high wines in England, and were prepared to accept the admission of Indian corn into the Province free of duty, as an equivalent for the great reduction on whiskey proposed by the new tariff; but those parties formed the exception to the bulk of the trade, who viewed the proposed reduction of the duty with the greatest apprehension.<sup>120</sup> There were one hundred and fifty distilleries; one hundred foundries; and about ninety tanneries, which he feared would be destroyed by this bill.<sup>121</sup> He (Mr. Cayley) was also opposed to the reduction of duty on cattle, and to the admission of foreign wheat and Indian corn free; but as the hon. member for Drummond had given notice of amendments on those points, he would not detain the house by entering on the discussion of that part of the subject at that moment. As a general rule, unless perfect reciprocity was established with the United States, he was prepared to advocate protection to agriculture and home manufactures, by following the example set them by their neighbors across the lines in keeping up the duties on all articles that entered into competition with their own products.<sup>122</sup> If the hon. President of the Council could obtain reciprocity with the United States, he would be at once for free trade.<sup>123</sup>

MR. DEWITT said it would be remembered that he had had the honor of laying before the House the petition of a large number of his fellow citizens, and also several other petitions<sup>124</sup> from other places<sup>125</sup> praying for a certain amount of protection<sup>126</sup> for their industry; they asked for no monopoly, for by reference to these petitions, it would be found that they did not ask to exclude other manufactures. All they asked was that the<sup>127</sup> duties imposed for the purposes of revenue<sup>128</sup> required by the Government should be so levied as to give incidental protection to<sup>129</sup> some articles that can be manufactured in the country. They had no desire to drive the people into manufacturing,<sup>130</sup> they did not wish to exclude foreign manufactures; they wished to bring them into the country, for they created a competition and enabled the people to get their goods at a low rate.<sup>131</sup> But they desired to have some protection for the people who are already engaged in manufactures. Now the Inspector General had said he wished to simplify his tariff<sup>132</sup> to do away with all specific duties, and to adopt ad valorem duties.<sup>133</sup> But at the same time he had insisted on putting a duty on the very charges of commission. If that was his mode of simplifying business, he never saw such a curious mode of simplification. The hon. gentleman's tariff was objectionable in more ways than one.<sup>134</sup> What were the charges--take the article of whiting, an article indispensably necessary for our manufactures, and the duty upon it, instead of being about 10 per cent, would be 40 per cent; the cask in which it was shipped cost nearly half as much as the article itself, and the freight was very high compared with the value of the article. There were other articles upon which the system proposed by the Inspector General would bear equally heavily.<sup>135</sup> Now the hon. gentleman had been pleased that the opposition to his tariff was a political one, and that it would be far better for them to come out and propose annexion boldly.<sup>136</sup> All he (MR. D.) would say in reply was that there was never anything brought before Parliament which was so calculated to sever the connexion between the Colony and the Mother Country as

the measure of the hon. gentleman.<sup>137</sup>

Hear, hear, and cheers from the Opposition benches.<sup>138</sup>

MR. DEWITT ((continued:)) Why look at it, it virtually imposes a duty of twenty, thirty, or forty per cent<sup>139</sup> on coarse articles<sup>140</sup> coming by way of the St. Lawrence<sup>141</sup> upon which there were duties only of  $1\frac{1}{2}$  or 2 per cent at Boston and New York, and they would be enabled, by this measure, to go there and bring those<sup>142</sup> goods of fine quality<sup>143</sup> in here for 10 or 12 per cent less than they could get them by the St. Lawrence.<sup>144</sup> Was that not practically an annexation movement?<sup>145</sup> And, if the people of Toronto and Hamilton were to go and buy all their goods at New York and Boston, because they could buy them 10 or 20 per cent cheaper there<sup>146</sup> and then import them into Canada, at a lower rate of duty than he could import them by way of the St. Lawrence, what, in that case<sup>147</sup> was Lower Canada to do if the trade by the St. Lawrence was destroyed?--and what was to pay the tolls upon their canals?<sup>148</sup> Hon. gentlemen talked about deriving a revenue from the tolls,--was that the way they were going to effect it?<sup>149</sup> If they got their goods much less in the United States than they could get them from England, it would drive their trade there;--so he thought the hon. gentleman was much mistaken in saying that the Protectionist movement was a political one, or that they intended to destroy the trade with England. Last Parliament the hon. gentleman asked them to establish this ad valorem system. Now, if there were 17 ports which did not pay their expences at present, if they required appraisers, who would need to be competent men well acquainted with goods, and who would need to get high salaries, there would be very few of the inland ports which would pay their expence.<sup>150</sup> Instead of deriving any revenue from the canals, they would render them completely useless by the mode of proceeding proposed by the Hon. Inspector General. After glancing at the mode of appraising goods if the Custom House Officers had reason to believe that they were undervalued in the invoice--a system which he said would be both expensive and inconvenient--the hon. gentleman said that he did not believe the English Government had any right to coerce the people of this colony, and she certainly had not the right to coerce foreign powers, as the hon. Inspector General had maintained.<sup>151</sup>

MR. INSP. GEN. HINCKS denied that he had said the British Government had any right to coerce the people of the colony or a foreign power. It certainly had the right of remonstrating with any nation whose commercial policy was inimical to Britain, and had always insisted and frequently acted on that right, and that was all he maintained. If this colony adopted a line of policy injurious to Britain, her Government had the right of remonstrating and her remonstrances ought to be listened to.<sup>152</sup>

MR. DEWITT continued.--As a member of the Commons of Canada, he thought that body was also entitled to remonstrate. The expenditure of the Colony is large and it has burdens, and he insisted on it that the representatives of the people had a right to make provisions for that expenditure, and impose such tones as they thought most advantageous, and that, too, without paying any attention to the charge made by the Inspector General, that the opposition to the tariff was caused by political motives. That charge was unworthy of any regard. The hon. gentleman had quoted some very eloquent extracts from the report of Mr. Walker<sup>153</sup> the Secretary of the United States Treasury<sup>154</sup> of whom he had spoken in very eulogistic language<sup>155</sup> in favour of his principle.<sup>156</sup> It should be remembered that that report was not liked

by the people of the United States, and that they had, in consequence, upset the Ministry of which Mr. Walker was a member.<sup>157</sup> The hon. Inspector General has eulogized Mr. Walker's scheme very much; well, why did he not put on the high tariff which that gentleman recommended; Mr. Walker wanted a duty imposed on tea and coffee, but the people would not allow it, and their representatives would not allow it. Now,<sup>158</sup> whose opinion in that case should be followed? That of the people or Mr. Walker's?<sup>159</sup> None could doubt but that the people themselves knew what was best for them.<sup>160</sup> He would, however, leave that question, and turn his attention to the most political policy advocated by the Inspector General. Now the manufacture of glass was important, for since it had been undertaken in this country, the price of glass has fallen one-third, thus putting at the disposal of the poor man, an article of great utility at a cheap price.<sup>161</sup> He should like to know what injury that had done to the colony? It was an article which could be manufactured, without the necessity of importing much of the materials from abroad. It was sold to the purchaser cheaper than he had ever obtained it before, and it was of better quality than the imported glass, for the German glass imported into the country was, in general, the refuse, and therefore, he thought that instead of discouraging the manufacture, it ought to be protected. He reiterated that it was generally the refuse of the German factories that was sent here; for when merchants have a large quantity of unsaleable produce on hand, they sent it to that country where they can dispose of it without doing their regular market any injury, and there sell it for whatever it would fetch--That was what merchants called a sacrifice market.<sup>162</sup> But that did not benefit the poor man, although it injured the manufacturers, for it was all bought up by the speculators, who endeavoured to raise the price. There were a great many persons engaged in the manufacture of glass in the country, and, the glass they made entered into competition with the German glass; and if they did away with protection on glass, without which it could not be made in this country,<sup>163</sup> the people who had invested their money in it would either have to stop their works, or else compete with the refuse of a foreign country. That was the fact, and it was absurd to talk about turning these glass blowers into the woods, and making agriculturists of them.<sup>164</sup> They would not go there<sup>165</sup>. Instead of becoming agriculturists, they would go to another country, to seek there the protection we denied them, and enrich it with their labours.<sup>166</sup> They would manufacture the glass and send it into this country, and this must prove highly prejudicial to the agricultural interests, and to the whole country in fact, because, did not those people require to be fed? did they not buy clothes and other things?--and thus helped to raise the revenue?<sup>167</sup> But if they received that encouragement which they had no right to expect, they would create a market for the produce of the farmers, and thus the wealth and the commerce of the country would increase. Duties would be levied on the articles of commerce; the duties would increase the revenue; the revenue would support the Government; the Government would support the people; and the people and the Government would go together, hand in hand, every day developing the resources of this country, and increasing its happiness and its wealth.<sup>168</sup>

Loud cheers from the Opposition.<sup>169</sup>

MR. DEWITT ((continued:)) There were many other articles which could be supplied cheaper since the introduction of manufactures into the Province than before; he would select one.<sup>170</sup> The article nails, there were now



thousands of people engaged in the manufacture of the article in the country, and<sup>171</sup> he knew that since nails have been manufactured here, the farmers could get four times as many for his bushel of wheat as he could before, and not only get four times as many, but get them of far better quality.<sup>172</sup> And was that very injurious to the people of the country? Now if they compelled people to abandon the manufacture of that article in this country, would it not go to tax the farmer if nails rose to what they were formerly, before they were manufactured in the country.<sup>173</sup> He was possitive (sic) that was a fact, for he had personal experience of it, having sold that article himself.<sup>174</sup> The hon. member for Huron had spoken so much and so ably on the effect of the proposed measure, that he had left little for him (Mr. D.) to say, but he would only refer to one or two other articles to show the effect of the Inspector General's Tariff, if the ad valorem duties are imposed on leather<sup>175</sup> which used to be imported, and which was not near as good in quality as what is now produced by our own manufactures.<sup>176</sup> The effect would be that the refuse of the Tanneries in the United States would be sent in here because it would have almost no duty to pay, but if the duties were higher and specific ones better leather would be sent in, the people would get a better article ..., the merchants more profit, and the revenue would be increased because people would not pay the same duty on poor as on good articles; and there was the article cloath (sic), the better kinds of which was manufactured in England and did not enter into competition with that manufactured in this country or in the United States. In the States, they manufactured the poor wool into coarse cloath (sic), which they could sell for 25 cents a yard, and this would be admitted into this country at a duty ... of about 3 coppers. This gave the people of the country a very bad article and raised the price of good cloath (sic) because it prevented a competition with respect to it, because the Americans did not send it in in consequence of the duty being lighter on it than on coarse cloth. If a fair duty was put on this article it would prove advantageous to both the people and the government, by increasing the revenue, and by increasing the consumption of agricultural produce.<sup>177</sup> It would be seen that incouraging (sic) manufacturers a vast good accrued both to the farmer and the merchant, whose interest were (sic) by far the most important of any in the community.<sup>178</sup> The people in the United States had protection, and there the farmers took a shilling a bushel more for their wheat than could here, and, whilst that was the case, could they expect to see their wild lands cultivated--could they expect to see the emigrants settle here--no; they would go where they could get most for their labour. The hon. member then went on to speak of the effect the proposed measure would have with respect to several articles.<sup>179</sup> He did not suppose that the Hon. Inspector General was aware of the injurious tendency his tariff would necessarily have, but he could not understand on what grounds the hon. gentleman supposed a protective tariff would be ruinous. The Inspector General called himself the farmer's friend, and yet he said it would be ruinous to follow the same system which is pursued in the high tariff country in our neighbourhood, where the farmer can get a shilling a bushel more for his wheat than he can get here. Protection does not seem to ruin any one there. It does not appear to ruin Lowell.<sup>180</sup>

Opposition cheers.<sup>181</sup>

MR. DEWITT.--It does not appear to ruin the farmer who had the advantage of a double market and could get a better price than he can get here. And when that is the case, could it be expected that our children would remain

here or that the immigrant would lay out the gold to the purchase of land here, when he could be assured of doing so much better in the neighbouring States? It was folly to think it. Look at the progress of that country under the high tariff system. Look at their little villages, where the land was worth as much, foot by foot, as it is in the metropolis of Canada.<sup>182</sup>

Opposition cheers.<sup>183</sup>

MR. DEWITT.--And if that system were adopted by this Province, villages would grow up on the farmlands, the villages would become cities, and the children of the land instead of being driven into a foreign country to seek a livelihood, would find wealth and comfort on their native soil. The hon. gentleman then alluded to the despatch of Earl Grey, in which reference was made to the Glasgow founders. He said that it appeared to him there was some misconception in the matter. The fact was that the Canadian founder had to compete with the American manufacturer, and not with the British. With respect to manufactures in wool it was clearly of great advantage to the Province to have them encouraged as the growing of wool was a valuable branch of business to the farmer, and gave employment to a large number of hands who again consumed the farmer's produce. He called upon the House not to allow itself to be seduced by the sophistry of the hon. gentleman, and concur in a measure which would drive the youth of the country from its shores, to seek protection for their industry under a foreign Government and foreign laws, leaving none but grey hairs in a desert. The youth of the country are its strength, and when they desert it, ruin necessarily comes upon it certainly and surely.<sup>184</sup>

MR. SEYMOUR would attach great weight to the argument of his hon. friend who had just sat down, as being a man of great practical experience. The proposed tariff would be ruinous to the agricultural interest<sup>185</sup> of the Province, and consequently to all other interests. He was in favour of a system of reciprocal free trade, but he feared that there was but little reason to expect that it would be received with favour in the United States<sup>186</sup>. It was our policy to levy the same duty on American produce that they levied on ours. Since the withdrawal of protection in England, we had not been able to compete with foreigners in the English market.<sup>187</sup> He thought it was a good reason why every means ought to be used to encourage the production of those articles of which we stand most in need, and which we are capable of manufacturing. He could not conceive why that could not be done in this Province with just as beneficial results as have attended it in the United States, or why, hon. gentlemen on the Ministerial Benches, who frequently drew precedents from the United States on political questions, should not take their productive system as a precedent also.<sup>188</sup> Canada was similarly situated. In an inland town in the States, near Boston, there were 1,000 Canadian artisans, and he did not see why we should not keep them at home. There was nothing to induce the capitalist settled in this country; he could not profitably invest his money in manufactures. The policy of this country was to discourage men of wealth from settling around us, and to encourage paupers.<sup>189</sup> ((Adopting the protective system,)) the immigrant and the capitalist would have much stronger inducements to settle here than are held out at present, and the Province would advance much faster in wealth and population.<sup>190</sup> The hon. gentleman concluded by remarking that smuggling of whiskey could not be carried on to the extent stated by the hon. Inspector General, and that the proposed Tariff would have the effect of destroying the

market for the coarse grains of Canada.<sup>191</sup>

MR. PAPINEAU spoke at considerable length in French<sup>192</sup>. ((He passed)) in review the Colonial system, and the manufacturing industry of England and the States. With reference to the question more immediately under discussion he said the question was of the different bad Tariffs that had been submitted to them to choose the one which was the least bad. He would choose the one which approached the nearest to Free Trade, which was a principle of truth in itself. The universality of philosophers of political economy were agreed upon that point; England had adopted it, and invited us to do so. All protection granted a monopoly of the branch protected. The attributes of good government were to protect the subject, and to administer strict justice. You must not injure one man in protecting another. The system of protection for this country was impracticable and bad; to wish to encourage manufactures by protection, is to say that we will pay dearer for what we want. The very idea of protection to a colony was absurd. Providence had provided us a rich soil, and our natural interest lay in cultivating it. All intelligent Americans repudiate the system of protection, and it was not protection that had made their country rich, but that it had been a clog, and every intelligent American thought so. Those enterprises, in which Government took part, were never of advantage to society. There was only one thing government should protect, and that was education, for the better you have the people educated, the more prosperous will be the country. It was not the strong arm alone that did work successfully; it was the brain that must direct. Workmen in England were like negroe slaves, under the lash of the master. The United States were more prosperous, because work there was more honourable. Because a political line separated us from the United States, it was an absurdity to make a commercial line of separation also. The proposed tariff of the hon. Inspector General was better than the old one, in that it approached nearer to the principles of free trade. The consumption of sugar could not be too much encouraged, and that of intoxicating drink discouraged. The low price of sugar would tend to making preserved fruit. The duty on whiskey was too moderate. No articles of food should be taxed except as a last resource, and those in the tariff at 20 per cent he would reduce to 10.<sup>193</sup> He professed himself to be in favour of free trade in the broadest principle, and said he would not be sorry to see the custom houses of both Canada and the United States set aside altogether. Of all the tariffs he had seen, either out of the house or in it, the tariff proposed by the Ministry was the most satisfactory to him, although he acknowledged there were parts of it which he would like to see altered, and which he trusted would be amended.<sup>194</sup>

MR. HOLMES had till but lately but little practical experience at mercantile affairs. He had, however, turned his attention to the subject, and<sup>195</sup> had gained some information from such works as those of Say and Mill<sup>196</sup>. From what he had read and from study he had come to the conclusion that the present system of tariff was an erroneous one. (Hear, hear.) He had been somewhat amused with the remarks of the hon. member for Beauharnois, who supposed that if the principles of free trade were adopted, it would lead to annexation. He (Mr. Holmes) had a different view of the matter, and it was not likely that England, which had made so many advances towards free trade, would allow the colony to do anything which would tend to injure her great commercial policy. The hon. member for Beauharnois had also alluded to the low price at which articles could be exported from the United States;



compared with similar articles from England; but he would be glad to hear him name one article which could be so exported.<sup>197</sup>

MR. DEWITT explained that in whiting an article used in the manufacture of putty, the cask that contained it cost as much as the putty itself. Cheap crockery the same. Adding the duty on goods, and on the charges and packages coming from England, would make the article so much dearer, as to induce the trader to go to New York or Boston in preference.<sup>198</sup>

MR. HOLMES continued.--The hon. gentleman was quite as wrong as he was before. The articles mentioned could not come from the United States, for they had not got them there.<sup>199</sup> He must know that there was no whiting produced in the United States, for it was all imported from England<sup>200</sup>. A barrel of 100 wt. could not be brought from the United States to any part of Upper Canada for less than 50 cents. It was quite notorious that we could send goods from Montreal to Upper Canada at a cheaper rate than goods from New York. The articles of leather had been instanced, and was said to be 15 or 20 per cent cheaper since the tariff, but it could not be shown that it was cheaper here than anywhere else.<sup>201</sup> To show the effect of the duty on leather, there were few if any of the leathermerchants in Montreal who had not failed<sup>202</sup> ((and)) gone to the bankrupt court. There were leather manufactures in the back country which had been successful; but that was not in consequence of the duty, but that bark was cheaper.<sup>203</sup> It would be found that instead of their being in a prosperous condition, they were shut up. Glass was the next article spoken of by the hon. member, and he would ask if the glass manufacturing was a prosperous business? No, it was not, for<sup>204</sup> had they not all failed.<sup>205</sup>

MR. DEWITT said they had not.<sup>206</sup>

MR. HOLMES.--He (Mr. H.) did not say that the individuals had failed, but that the glass manufacture had been unsuccessful.<sup>207</sup> He had also alluded to cloth<sup>208</sup>. The protective party of Montreal wanted to<sup>209</sup> import it from the United States at a duty of 9d. per yard. This was the protection duty proposed by those who cried out so much about benefiting the poor man. The tariff of the Ministry prepared to import it at a duty of 1½ d., and the Protectionists wished to put a duty of 9d. upon it, and this he supposed was the benefit of the poor man. The two propositions would show which was most for the benefit of the poor man, as the fine cloth of the rich man and the coarse cloth of the poor man were to be taxed by the Protection tariff at the same rate.<sup>210</sup> We did import a large amount of domestic cottons; but he did not see why we should not manufacture such goods without a tariff. We might get bales of raw cotton here for a low price and manufacture it. Wages were cheaper here than in Lowell<sup>211</sup> and if there were manufactures in Canada, it could be manufactured cheaper here than in the United States, because, unfortunately it might be, wages were lower here than they were in the States, and thought if hon. gentlemen would employ their pens<sup>212</sup> when they write to England, there would be more capital brought out to this country; that would enable us to employ manufacturers<sup>213</sup> instead of running down the ... condition of the country, it would be more for the benefit of the Province and the poor people in it. The hon. member for Huron, whom he did not see in his place, had stated the agriculturists of England were getting ruined by the Free Trade principles, but he (Mr. Holmes) had been at some pains in looking over the English papers, and he<sup>214</sup> found that the ruin could not be

very general. He saw real estate put up by auction and sold at a high price.<sup>215</sup> He had also seen notices of several meetings which had been got up by the Protectionists<sup>216</sup> among the agriculturalists<sup>217</sup> but from which they had been driven with their resolutions in their pockets by the friends of Free Trade, who has (sic) argued the point and carried resolutions of Free Trade nature; or where they did succeed, the petitions were signed by the President OR Secretary, just as had taken place in Canada with some meetings called respecting the rebellion losses. (Hear, hear.)<sup>218</sup> He could not say that he was charmed with the present tariff<sup>219</sup>. He had stated his belief that the tariff system was erroneous. In its place he would prefer direct taxation. (Hear, hear.)<sup>220</sup> He thought the people had been misled on the subject, and that<sup>221</sup> if the subject were properly explained ... that they would be in favour of it.<sup>222</sup> Hon. gentlemen when they go to their constituents should not talk to them about inquisitorial taxation, but should ask them how much<sup>223</sup> tea and sugar<sup>224</sup> and broad cloth they consumed, and then<sup>225</sup> the amount of duty they had to pay for such in an indirect manner, it would have the effect of speedily bringing about a different system<sup>226</sup>. The whole bord (sic) of revenue and other officers would be saved, and the people would have a direct check on government.<sup>227</sup> The general Government of the United States, it was true, was supported by indirect taxation, but the principle of direct taxation was acted upon in many separate States for the support of the Government. He thought the system dishonest of putting a heavy tax on the necessities of life, used by the poor man, to the extent, in some cases, of sixty or seventy per cent, while upon the silks and satins, and other luxuries of the rich, there was only a tax of about ten per cent.<sup>228</sup> A high duty of 60 or 70 per cent was put on tea, coffee and sugar, while on laces and other articles of luxury the duty was only 6 or 7 per cent.<sup>229</sup> He believed the peoples' minds had been poisoned on this subject, and he thought if the matter were fully explained to them they would prefer the system of direct taxation. Were he to trace the whole amount of real and personal property in Upper Canada, it would come to somewhere about £75,000,000; if Lower Canada were the same, both added would give<sup>230</sup> say £150,000,000, which, at 1 per cent, with the tax on personal property would give £150,000. A duty of 19s. per cwt on sugar was lower than it was last year.<sup>231</sup> In the article of whiskey,<sup>232</sup> he would be glad to find out some means by which a duty could be levied.<sup>233</sup> It was known that a great deal of it was consumed in Montreal, and he believed that the greater portion of it was smuggled from the United States ... which was one of the results of high duties.<sup>234</sup> It was impossible to prevent smuggling. It was manufactured lower in the United States than in this country, and there were, he believed, large quantities smuggled in by persons connected with the distilleries in Upper Canada.<sup>235</sup> He would support the tariff of the Hon. Inspector General, although he believed that some modification of it was necessary, and which he hoped would be attended to by the Hon. Inspector General.<sup>236</sup>

MR. DEWITT said a few words in answer to Mr. Holmes; and that the Massachusetts people did not sent their manufactures to China before they had their tariff.<sup>237</sup> ((He)) did not know from what source the hon. member for Montreal had found that he wished to tax the coarse cloth of the working man at the same rate as the rich man's.<sup>238</sup>

MR. HOLMES had taken it from the tariff of the hon. member.<sup>239</sup>

MR. DEWITT.--He was opposed to direct taxation; he did not think it

right.<sup>240</sup>

DR. NELSON would make a few remarks as the subject was one of a great deal of importance. He had heard nothing practical in the long speech of the hon. Inspector General, and ministers must allow him to say that if he had any doubt of the wisdom of their course, it would be because the hon. member for St. Maurice, for the first time, agreed with them in a Ministerial measure, who, though he was well read, was not practical.<sup>241</sup> ((He)) was astonished at the speech of the hon. member for St. Maurice.<sup>242</sup> The hon. gentleman had been telling them that we should<sup>243</sup> yet have reciprocity with the people on the other side<sup>244</sup> but he (Dr. N.) would like to know if every man were born to be a farmer. We could not send our pretty Canadian lasses into the woods, and some from among our farmers' sons had taken the highest rank in the different trades and professions.<sup>245</sup> He thought it would be a long time before they had such reciprocity. The people of the United States knew their business better. It was protection which had made England the workshop of the world, and it was also protection which had made the United States so prosperous as it had been.<sup>246</sup> The hon. gentleman read from a book by Silas Wright, and proceeded at some length to show that the theory of free trade was not popular in the States, even among the Locofoco or Democratic party. He (Dr. N.) did not think that protection should be carried to such an extent.<sup>247</sup> He was for protection on home manufactures, but not to the extent of pressing the poor man.<sup>248</sup> His (Dr. N.'s) predilections were in favour of England, and well indeed might England now defy the world.<sup>249</sup> She might cry out for free trade<sup>250</sup>. The honourable gentleman went on to speak at some length in answer to the remarks of the honorable member for St. Maurice. Articles of luxury should be taxed; and<sup>251</sup> he would not put taxes on the poor to support manufactures, but he would give them incidental protection. No market was like the home market; and if he were answered that the people of this country should take to the forest and the field, and export their products, he would reply that these products could not always be advantageously exported. Besides, there were many things raised by the farmer which could not be exported. The hon. member for Norfolk had once said he would give no advantage to Great Britain over the United States. He was not of that opinion. While the people of Great Britain would give two or three millions of dollars per annum, and send a parcel of jolly officers to spend their fortune--while the government was carried on as at present--he would say, "Long may the Colonial system continue!" Sugar was an article on which the duty should be reduced<sup>252</sup>. The high price of sugar, at the present moment, was a great grievance to the poor man. He believed that it was extensively smuggled along the frontier in small quantities. We had more than enough of water power, which called on us with a voice of thunder to employ them. He hoped that the time was not far distant when these seigneurs who were disposed to play the part of the dog in the manger, would be compelled to let their water power be made use of. The hon. member for Montreal had stated that we could get cloth much cheaper from the States than here. If he would examine it, he would find that it is never so good when brought to the test.<sup>253</sup> That was nothing but Yankee polish.<sup>254</sup> In Chambly they made better cloth than could be got in the U.S. for ls. a yard more. If we made use of our water power, we might become a Manchester. Lowell did not all at once start into the strength and vigor of manhood. We might have our factories and schools as they have at Lowell. Let any man go there and he would see hundreds of pretty girls, not only busily employed, but intelligent



and with eagles in their pockets. (Laughter.)<sup>255</sup> He had promised his constituents to support the development of the resources of the country, and to oppose direct taxation. Therefore he felt bound to say what he had done, for there must be a newspaper in every house before people would submit to direct taxation. He trusted the Ministry would see the propriety of modifying their measure; but<sup>256</sup> if he could not persuade them ... he would still support them<sup>257</sup>. He had the greatest respect for their patriotism, and had no doubt they had studied the subject more than he. He should therefore support them in any case, but should throw the whole responsibility on themselves.<sup>258</sup>

MR. STEVENSON we were unable distinctly to hear; we understood him to speak to the following effect;--In answer to the remarks of the hon. member for Montreal, he said that saleable property of Upper Canada, according to the government tolls was only £10,000,000 and not \$10,000,000 (sic) as stated by the hon. member. The hon. Inspector General had stated that he did not go on the principle of protecting one branch of industry more than another, and in the face of that had shown us a list of 40 articles which he admitted free; he (Mr. S.) did not object to this, he thought it might be increased and be of benefit to the Province. In the next place the hon. Inspector General had stated that protecting was unsound in theory, which was a proposition he (Mr. S.) most distinctly denied, and he spoke from facts.<sup>259</sup> He should oppose free trade, because all the world were protectionists, especially the people of the United States, who understood the science of dollars and cents as well as any people.<sup>260</sup> We had their political institutions held before our eyes for models and were urged to follow them; he (Mr. S.) should wish to see us follow their commercial practice and take a leaf out of their books which they did understand; and which had made them rich beyond precedent. That was enough to set aside any theories of any political economist. Protection had besides been the policy of England and of all the countries of Europe. Since England had abandoned her protection policy, she had not been followed by Europe. The hon. Inspector General stated that protection was inconsistent with our colonial dependency, yet in the face of that he had brought in a tariff making the duty on imports of some articles, from the United States, 10 or 11 per ct., while the others from Britain, 20 or 30 per cent.<sup>261</sup> He did not think that Great Britain would object to protection; but if she did, she would certainly object to this tariff.<sup>262</sup> In protecting those of our manufactures, most proper to protect, it would interfere very little with imports from Britain; but, much more with such as we get from the United States. Every description of castings can be made as well in Upper Canada as in the United States. The bulk of articles imported from Britain are not such as we wanted protection against, being principally the luxuries. The third proposition of the hon. Inspector General was, that protection was impracticable. He (Mr. T.) (sic) denied that. The argument of the hon. gentleman was that we had a long line of frontier. Was it not as easy to smuggle one way as it was another? It did not cost more to carry one way than the other; and the Americans protect themselves.<sup>263</sup> They had contrived to keep up a high tariff ever since there was a line between the countries.<sup>264</sup> He (Mr. S.) had heard no other argument against the impracticability of protection than that of smuggling. Smuggling in some degree, undoubtedly, would take place, but not to that degree to interfere with the commerce or trade of the country. The hon. gentleman had said that a large amount of

whiskey was smuggled. He (Mr. S.) considered that quite impossible, because there was no inducement for it.<sup>265</sup> He would now mention the articles on which the tariff placed a discriminating duty against Great Britain. There were castings: the duty was to be levied on the cost and then on the charges--a thing that he never heard of before, and did not believe it had ever been practised in the civilized world. It was a<sup>266</sup> 10 per cent<sup>267</sup> duty on our freights--the very thing we wanted low to enable us to compete with New York.<sup>268</sup> The expenses on other kinds of dry goods came to 150 per cent over real price, and the present proposed tariff did nothing more nor less than lay 10 per cent on the whole of the freights by the St. Lawrence, while they talked so much of inducing freights out here. The reason why freights were cheaper at New York, was that they had good cargoes both ways; and it was not so with Montreal. In spite of it, we were insane enough to cut off part by proposing to tax them. Our interest was to increase tonnage as much as possible. Many persons go to New York for sugar, and a large amount is entered in the inland ports, which, had it been imported by the St. Lawrence, would have given the forwarders employment to take up the country<sup>269</sup>, would pay the forwarders their profit, and the canals their tolls<sup>270</sup> and which would, doubtless, have been the wisest course. It was most suicidal for us to trade with New York when they would not trade with us in return. He would say a few words more on the proposed tariff.<sup>271</sup> But to return to castings. There was a duty of ten per cent on pig iron, and the sums on the charges, coming to 13 or 14 per cent. Now, we admit the American pig iron at the same price; but the duty on castings from the States would be so little as £10 10s.<sup>272</sup> per cwt, making the difference in favor of the manufactured article.<sup>273</sup>

MR. HOLMES said the castings were made from pig iron, which when imported into the States paid 30 per cent duty. Then they had to be cast and the 10 per cent Canadian duty would be charged on all that. There was no pig iron made there.<sup>274</sup>

MR. STEVENSON continued to remark that the Americans were very ready to sell goods to Canadians; but would take no flour in return<sup>275</sup>. He would like to know when the principle was admitted that we should legislate in favour of our opponents<sup>276</sup>. When would Canadians be induced to legislate for their own country?<sup>277</sup> The whole effect of the proposed measure will be to lessen our carrying trade and increase the consumption of manufactures from the United States.<sup>278</sup> There was again the article of salt. There was last year 43,000<sup>279</sup> tons of salt imported to Quebec and Montreal, giving employment to 43 vessels of 100 tons each. But the duty was now to be raised from 1s. 6d. to 6s. 5d<sup>280</sup> on salt from Britain, and the same on salt from the United States; they would not even leave this as it was, giving many hundred tons of freight and considerable business for the forwarder.<sup>281</sup> So that the whole of the salt used in Upper Canada must come from the United States, and our forwarders would be saved the trouble of conveying it.<sup>282</sup> If the mind of the hon. Inspector General had not been occupied, he could not have thought of admitting American whiskey at 10 per cent, when 1s. 3d. per gallon was charged on Canadian, the home manufacture of which was quite sufficient for consumption, and was made from grain for which we had no other use<sup>283</sup>. There was every reason why American spirits should be kept out, for by coming in they would destroy the entire market for the coarse grains of Canada.<sup>284</sup> It was impossible for the Upper Canada farmer to raise

wheat always, he must have a change of crop. Instead of helping the distiller to find another market you must shut him out from his own; for by a nice calculation, the American has an advantage over him in our own market, if he had no duty to pay, and it would break up the manufacture of whiskey in Canada.<sup>285</sup> It was no compensation for this injury to take the duty off Indian corn. American whiskey was made in the centre of Ohio, where the corn was worth perhaps thirty cents.<sup>286</sup> The tariff would only cut one way, it would cut the throat of the Canadian merchant, while it would be of every advantage to the American. On a former occasion he had remarked that the falling off of the trade of Montreal had evidently been caused by free trade, because the third of what formerly went from Montreal to Upper Canada is now got from New York.<sup>287</sup> Of course the expense of transporting the whiskey would be much less than that of transporting the corn from which it is made. He had not done justice to the principle of charging duty on the freight and costs. It was easy to see that the duty on some articles would be very much higher than on others, as the freight of bulky articles was much higher than that of others. Thus the freight of crockery was three times as great as the original cost, and this, instead of encouraging our homeward freights, was the very thing to discourage them. Notwithstanding the present high duties on manufactured articles imported to the United States, those States had never imported more per head than at present. So it would be in Canada; the ability to import was regulated entirely by the ability to pay. To encourage manufacturers would increase the ability to pay; and instead of mere necessities, the imports would consist of luxuries. At present, however, and for a long time, the tendency of our commercial legislation had been to drive all trade from Montreal to New York and Toronto, or Hamilton.<sup>288</sup> To lessen the business of our forwarders, and the tolls of our canals, and pay the American forwarder all the expenses of transportation. There was not one alteration proposed by that tariff which had not this direct tendency. Was it our interest to encourage American imports here, while we must look to England for our markets, and have our trade with her discouraged in every manner possible. One hundred men employed in the manufacture of glass would require to have various articles imported. A German glass manufacturer ... ((had)) a surplus stock<sup>289</sup> ((of)) a great quantity of glass<sup>290</sup> so here it comes<sup>291</sup> to Montreal in consequence of the disturbances there. This had been sufficient for two years supply in Canada; it was brought up, and one hundred men were thrown out of employment, while the consumer got nothing, for the person who purchased it wholesale, sold it for very little less than before, and as soon as it was gone, there being no home manufactures, the price would rise<sup>292</sup> while by a protecting tariff it ought to have been kept out.<sup>293</sup> Leather had been protected; but prices did not rise, yet he was told that gentlemen who employed hundreds of men would have to give up business, if the present protection were removed.<sup>294</sup>

MR. CAYLEY, in allusion to what Mr. Holmes had said of pig-iron, read an account of very large quantities of pig-iron made in Pennsylvania. He would also remark that leather was lower in Canada than in the United States; and that tanners had been doing well since the tariff of 1845.<sup>295</sup>

MR. MCCONNELL was sorry that the ministry had thought of changing the present Customs Duties. He thought it was the great misfortune of Canadian Legislature to change laws so often. He thought the present Customs bill was what the country wanted<sup>296</sup>, especially the duty on cloth, and thought that a specific duty would avoid disputes in preference to ad valorem



duties.<sup>297</sup> He had been informed that<sup>298</sup> duties on shoes and leather were also very useful in encouraging boot and shoe manufacturers and tanneries. Many young men and women were constantly leaving Canada for the United States, because they get no employment; and many others would sleep little to-night if they knew the bearing the question now under discussion had upon the possible return of their children to help them in their old age. The hon. member for Montreal said that if the people only knew how much they paid on broad cloth and wines, in direct taxation, they would much prefer direct taxation, and that the poor were injured by these taxes. He could not understand that, for the poor wore no broad cloth, and did not use wine. The true way to encourage the poor man was to build up manufacturies in all the villages of the country.<sup>299</sup>

MR. WETENHALL rose to move the adjournment.<sup>300</sup>

MR. INSP. GEN. HINCKS proposed that the first resolution should be adopted previous to the adjournment.<sup>301</sup>

The first resolution ... ((was)) carried.<sup>302</sup>

(217)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Guillet reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Tuesday next.

Immigration.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 22d March, 1849, praying that His Excellency would be pleased to cause to be laid before the House, copies of all Correspondence that may have passed between Her Majesty's Government and the Executive Government, since the close of the last Session of the Legislature, on the subject of Immigration, in addition to that transmitted, by Message from His Excellency, on the fifth of the same month.

Appendix  
(E.E.E.)

For the said Return, see Appendix (E.E.E.)

Ordered, That the said Return be printed for the use of the Members of this House.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed until Tuesday next.

Then, on motion of the Honorable Mr. Attorney General Baldwin, seconded by the Honorable Mr. Price,

The House adjourned till Monday next.

APPENDIX: 7 APRIL 1849.

((NOTICE OF MOTION RE: RESOLUTIONS ON RAILROAD COMPANIES AND  
ON HALIFAX AND QUEBEC RAILWAY.))<sup>303</sup>

MR. INSP. GEN. HINCKS gave notice that he would on Wednesday next move a series of resolutions, having for their object to give the Provincial guarantee, on certain conditions, to certain railway companies; and also, to aid in the construction of the Halifax and Quebec Railway.<sup>304</sup>

FOOTNOTES: 7 APRIL 1849.

1. The debate on this matter was reported by: PILOT, 9 April 1849, GLOBE, 18 April 1849, which acknowledged PILOT and MONTREAL HERALD as its sources, BATHURST COURIER, 20 April 1849, PACKET, 21 April 1849, and STANSTEAD JOURNAL, 19, 26 April 1849, in identical accounts, except that BATHURST COURIER did not report Cayley's speech, and STANSTEAD JOURNAL omitted a few sentences of Hincks' speech; PILOT, 11 April 1849, and GLOBE, 21 April 1849, in identical accounts, except that GLOBE gave abbreviated accounts of a number of speeches, and omitted some entirely; MONTREAL GAZETTE, 9 April 1849, and HAMILTON SPECTATOR, 18 April 1849, in identical accounts, except that HAMILTON SPECTATOR reported only Hincks' and Cayley's speeches; PROVINCIALIST, 7, 19, and 30 April 1849, which acknowledged MONTREAL TRANSCRIPT as its source and in which Hincks' speech is somewhat similar to that in MONTREAL GAZETTE; LA MINERVE, 12, 16, and 19 April 1849; and L'AVENIR, 14 April 1849, which reported only Papineau's speech. PILOT, 11 April 1849, noted the debate. A commentary appeared in MONTREAL CHRONICLE, 13 April 1849. The HAMILTON SPECTATOR was used instead of the MONTREAL GAZETTE, and when necessary, the GLOBE instead of the PILOT.
2. PILOT, 9 April 1849.
3. HAMILTON SPECTATOR, 18 April 1849.
4. PILOT, 9 April 1849.
5. HAMILTON SPECTATOR, 18 April 1849.
6. PILOT, 9 April 1849.
7. HAMILTON SPECTATOR, 18 April 1849.
8. PILOT, 9 April 1849.
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279. IBID., which noted the number as being "43,700 tons."
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- 297. PILOT, 11 April 1849.
- 298. MONTREAL GAZETTE, 9 April 1849.
- 299. PILOT, 11 April 1849.
- 300. IBID.
- 301. IBID.
- 302. IBID.
- 303. This matter was reported by: MONTREAL GAZETTE, 9 April 1849; and PILOT, 9 April 1849, BRITISH WHIG, 10 April 1849, BRITISH COLONIST, 10 April 1849, HAMILTON SPECTATOR, 11 April 1849, PROVINCIALIST, 12 April 1849, ST. CATHARINES JOURNAL, 12 April 1849, GLOBE, 18 April 1849, which acknowledged PILOT and MONTREAL HERALD as its sources, STANSTEAD JOURNAL, 19 April 1849, and PROVINCIALIST, 19 April 1849, in identical accounts.
- 304. PILOT, 9 April 1849.



MONDAY, 9 APRIL 1849.

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Petitions  
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Smith, of Wentworth,--The Petition of Messieurs Burton and Sadleir, Attornies for and on behalf of Henry M'Sheny, of the Township of Glanford, District of Gore; and the Petition of Duncan M'Farland, Esquire, and others, of the Townships of Burford and Brantford.

By Mr. Fergusson,--The Petition of Michael Charlton and others, of the south half of the Township of Dumfries; the Petition of W.D. Powell, Esquire, Chairman, and Thomas Saunders, Esquire, Clerk of the Peace, on behalf of the Magistrates of the District of Wellington in Quarter Sessions assembled; and the Petition of A.M. Stephens, Chairman, and others, on behalf of a public meeting of the Inhabitants of the Townships proposed to form the County of Grey.

By Mr. Marquis,--The Petition of the Municipal Council of the County of Kamouraska (Seigniorial Tenure).

By Mr. Lemieux,--The Petition of the Municipal Council of the County of Portneuf (Seigniorial Tenure).

By Mr. Méthot,--The Petition of Messieurs C. and W. Wurtele and others, Merchants, Ship-builders and Manufacturers.

By Sir Allan N. MacNab,--The Petition of the Board of Trade of Hamilton (Tariff); and the Petition of Robert E. Burns, Esquire, and others, Members of the Bar of Upper Canada.

Quebec Ware-  
housing Com-  
pany Bill.

An engrossed Bill to incorporate the Quebec Warehousing Company, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Méthot do carry the Bill to the Legislative Council, and desire their concurrence.

Sault Ste.  
Marie Mining  
Company Bill.

An engrossed Bill to incorporate "The Sault Sainte Marie Mining Company," was read the third time.

Resolved, That the Bill do pass, and the Title be,  
"An Act to incorporate "The Sault Saint Mary Mining Company."

Ordered, That Mr. Wilson do carry the Bill to the Legislative Council, and desire their concurrence.

Bill respecting  
Strychnine and  
other Poisons.

An engrossed Bill to prohibit the use of Strychnine and other Poisons for the destruction of certain kinds of wild animals, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Laterrière do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of M. M'Kenzie and others, stockholders in the Niagara and Detroit Rivers Railroad Company, and Inhabitants of the Township of Yarmouth; praying for

the revival of the Charter of the said Company, and that the time for the completion of the said Railroad may be extended.

Of Archibald Russell and others, of Pakenham; praying for the abolition of punishment by death.

Of E. Reynolds and others, of the Township of Sandwich; praying that the Petition of the Municipal Council of the Western District for closing the Road from Sandwich to Windsor along the bank of the Detroit River, and opening another in lieu thereof, be not granted.

Of the Reverend M. Foisy and others, of the Parish of St. Edouard, County of Huntingdon; praying that the law regulating the granting of Tavern Licences and the sale of Spirituous Liquors, may be so amended as to promote the cause of temperance.

Ordered, That the Petition of Messieurs C. and W. Wurtele and others, Merchants, Ship-builders, and Manufacturers, be now read; and that the Rule of this House relating to the reception of Petitions be suspended as to the same.

And the said Petition was read; praying for the insertion of certain rates and provisions in the proposed new Tariff of Customs Duties.

Ordered, That the Petition of the Board of Trade of Hamilton, be now read; and that the Rule of this House relating to the reception of Petitions be suspended as to the same.

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And the said Petition was read; praying for certain modifications of the Tariff of Customs Duties, and of the proposed Resolutions relative thereto.

Petition of the  
Hon. L. Panet  
and others;

Ordered, That the Petition of the Honorable Louis Panet and others, the President, Officers, and Members of the Managing Committee of the Saint Jean Baptiste Society of Quebec, be referred to the Standing Committee on Standing Orders.

Of C. and  
W. Wurtele  
and others;

Ordered, That the Petition of Messieurs C. and W. Wurtele and others, Merchants, Ship-builders, and Manufacturers, and the Petition of the Board of Trade of Hamilton (Tariff,) be referred to the Committee of the whole House to consider certain Resolutions for repealing the present Tariff of Duties, and for substituting another therefor.

Of the Ham-  
ilton Board  
of Trade,  
referred.

Report on  
Petition of  
A. Plumly.

Mr. Gugy, from the Select Committee to which was referred the Petition of Auldin Plumly, of the Township of Hatley, presented to the House the Report of the said Committee; which was read, as followeth:--

Various extracts from the Records of the Court of Queen's Bench, Inferior Term, for the District of St. Francis, having been laid before Your Committee, they are enabled to certify to the truth of the allegations of the said Petitioner.

It is true then that Appeals to the said Court of Queen's Bench were instituted, in sixteen Causes in which the late Municipal Council for the Township of Hatley was concerned, and in which the said late Municipal Coun-

cil had failed in the Commissioners' Court in the said Township.

It is true that upon these sixteen Appeals it was necessary to give security, and it is true that the said Petitioner and one Alphonso Burbank consented to intervene as sureties, and subscribed the necessary bonds on behalf of the said Municipal Council, the Appellant.

It is true that these Appeals were all dismissed; and these results seem to have been caused by the repeal of the Act under which the said late Township Municipalities existed, and by the passing of that which created the present County Municipalities.

It is true that upon the rendering of these judgments the two sureties become jointly and severally responsible for the costs upon fourteen out of the said sixteen cases, and it cannot be doubted that the amount must have pressed ruinously upon the said Petitioner. Your Committee calculate that the aggregate cannot have been less than £125, and must now exceed that amount.

It appears that the said Alphonso Burbank, unable to meet the demand, has fled the country, and that the Petitioner is left to bear alone the whole of the burden.

This is not an unusual consequence of the Act to which the Petitioner was a party; but as the result was caused by the Legislature of the Province, the Legislature is bound to repair it.

Had the late Municipal Act not been repealed, the said Appeals would no doubt have been pursued to judgment, and they might have been successful: had they even failed, the Petitioner could have claimed from the late Municipal Council of Hatley that indemnity to which by Law every surety is entitled from his principal; but by the repeal of that Act the Township Municipal Council has ceased to exist, and the Petitioner is left without any kind of remedy.

This is manifestly a case of great hardship, and a grievance in which Your Committee venture to submit that Your Honorable House is bound to afford redress.

It is clear that the Township of Hatley is bound to pay the whole amount of costs incurred on the said Appeals, and fully and entirely to indemnify the said Petitioner, and to save him harmless.

Accordingly, Your Committee recommend the passing of an Act to empower and enjoin the Municipal Council of the County of Stanstead, in which the Township of Hatley is situate, to levy an assessment upon the said Township of Hatley, in order to defray all the expenses incident to the said Appeals, fully to indemnify the said Petitioner, and to enable him by legal process to claim and to enforce that remedy to which, in common justice, he is most undoubtedly entitled.

Bill relating to  
Hatley Municipal  
Council.

Ordered, That Mr. Gugy have leave to bring in a Bill to enable the Sureties of the late Municipal Council of the Township of Hatley to enforce their claims against the said Township.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday, the twenty-third instant.

Committee on  
Road and  
Bridge Bills.

Ordered, That Mr. Fergusson and Mr. Crysler be added to the Standing Committee on Road and Bridge Bills, in the place of the Honorable Mr. Macdonald and Mr. Meyers, absent.



Personal Pro-  
perty Attachment  
Bill (U.C.)

Mr. Smith, of Durham, reported from the Select Committee on the Bill to authorize Attachments against personal property for sums of Ten pounds and under, in certain cases in Upper Canada, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

First Report of  
Committee on  
Public Accounts,  
&c., to be  
printed.

Ordered, That the First Report of the Select Committee to which were referred the Public Accounts for 1847, and the Accounts of the Trinity House of Quebec, (but without the Evidence thereunto appended,) be printed for the use of the Members of this House.

Twenty-first  
Report of  
Committee  
on Standing  
Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Cobourg and Grafton Road Company, and find that the requisite notice has been given. The Petition of the Hamilton Mercantile Library Association they do not consider to be of such a nature as to require notice.

Twenty-second  
Report of  
Committee  
on Stand-  
ing Orders.

The Honorable Mr. Boulton, from the Standing Committee on Standing Orders, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of James Motz, Esquire, and find that the 66th Rule has not been complied with in respect to the said Petition.

They have also examined the Petition of George Thomas dit Bigaouette and others, and do not consider that notice is requisite in this case.

St. Roch de  
Québec Con-  
grégation Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to incorporate the Association called "La Congrégation des hommes de la Paroisse de Saint Roch de Québec."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

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On motion of Mr. Gugy, seconded by the Honorable Mr. Badgley,

Bill relating  
to Hatley  
Municipal  
Council.

Ordered, That it be an Instruction to the Standing Committee on Standing Orders, to enquire whether the Bill to enable the Sureties of the late Municipal Council of the Township of Hatley to enforce their claims against the said Township, is

one of those where of previous notice is required.

Farmers' Joint  
Stock Banking  
Company.

Ordered, That the Honorable Mr. Cayley and Mr. Solicitor General Drummond be added to the Select Committee appointed to enquire into the position

and management of the Farmers' Joint Stock Banking Company at Toronto, in the place of the Honorable Mr. Sherwood (absent on leave,) and Mr. Solicitor General Blake (who desires to be excused from serving on the said Committee.)

Leave of absence.

Ordered, That the Honorable Mr. Macdonald have leave to absent himself from this House, for fifteen days, on urgent private business.

Ordered, That Mr. Prince have further leave to absent himself from this House, for one month from this date, on urgent private business.

On motion of Mr. Christie, seconded by Mr. Sherwood, of Brockville,

Huron Copper Bay Company Bill.

Ordered, That the Order of the day for the House in Committee on the Bill to incorporate the Huron Copper Bay Company, be discharged.

Ordered, That the said Bill be engrossed.

On motion of Mr. Richards, seconded by Mr. Armstrong,

Bill relating to Mortgagers and Mortgagees (U.C.)

Ordered, That the Select Committee to which was referred the Bill to provide for the Sale under Execution of the interest of Mortgagers and Mortgagees in real estate in Upper Canada, be discharged from the further consideration of the

Bill.

Resolved, That the said Bill be referred to a Select Committee composed of Mr. Richards, Mr. Wilson, Mr. Smith, of Durham, Mr. Sherwood, of Brockville, and Mr. Burritt, to report thereon with all convenient speed.

Public Lands Act Amendment Bill.

Ordered, That Mr. Sherwood, of Brockville, have leave to bring in a Bill to extend the provisions of the thirteenth section of an Act of the Province of Upper Canada, intituled, "An Act for the dis-

posal of Public Lands," and to amend the said Act in other respects, and further to provide for the final settlement of Land claims.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Witnesses.

Mr. Chauveau moved, seconded by Mr. Fortier, and the Question being put, That the Rule of this House respecting the payment of Witnesses for their attendance before Select Committees, which requires the interference of the Standing Committee on Contingencies, be rescinded, as far as such interference is required;<sup>1</sup>

MR. DEWITT said a few words against the motion.<sup>2</sup>

MR. CHRISTIE hoped the House would not rescind that Order<sup>3</sup>. Instead of granting this motion, the House ought to adopt some more stringent mode of checking the outlay of the public money. The expenditure was enormous. The postage of the House alone, amounted to no less a sum to the 5th instant, than £1,904. (Hear, hear.)<sup>4</sup> Very large sums had been paid to witnesses for merely local purposes. On the 27th March £217 had been paid to a witness,

and £100 more to the present time. A great number of those on the list had unduly received public money. The hon. gentleman read a list of witnesses who had received money.<sup>5</sup> There were several gentlemen summoned before the committee on the Bill to amend the incorporation Act of Quebec, who had been here some time, had received pay for their service, and yet had not given one tittle of evidence, there was the editor of the Quebec Canadien, and there was a Mr. Plamondon, a young lawyer of Quebec, without much practice, he believed, and without any property in Quebec, had been here for some time, amusing himself, and he had been paid. If gentlemen were to be examined at the public expense, they should be men of property and standing.<sup>6</sup> The House ought to have some check, or the contingent expenses would be swelled beyond bounds. ... The House should not make rules one day, and rescind them the next.<sup>7</sup>

MR. ARMSTRONG said the objection was for all the Committees to be under the control of the Contingent Committee, and that it would be better to introduce a Bill, providing that no witnesses should receive payment who had been brought down for private or local purposes.<sup>8</sup>

MR. MORIN, The SPEAKER, said there was such a rule at present in existence.<sup>9</sup>

MR. J. SMITH (Durham) thought it wrong to drag the names of individuals into a discussion of this kind. Persons who were summoned to give evidence and compelled to attend to give information on particular matters, ought not to be abused because they were paid their expenses.<sup>10</sup>

MR. CHRISTIE denied that he had abused any one, he had merely read a name from the published list of the witnesses who had been paid. The hon. member then read from the list, the names of a number of gentlemen who had been paid as witnesses, who were receiving salaries from Government.<sup>11</sup>

SIR A. MACNAB said that it was not the fault of the gentlemen who had been paid, but of the rules of the House.<sup>12</sup>

MR. CHABOT said that it was singular the hon. member for Gaspé should object to these payments for the travelling expenses of witnesses, when only a few days ago, he objected to the very same sum £9, for the expenses of members coming and going to Quebec, as something altogether too little. He (Mr. Chabot) thought the reflections the hon. member had made on witnesses who were summoned by the House, and did not come by their own will--the remark that this, or that one, for instance, was a lawyer without practice, was most uncalled for, and unfair. The hon. member, however, was not satisfied with his own committee; but wanted to control the rest.<sup>13</sup>

MR. CHRISTIE said it was not necessary for the Chairman of other committees to apply to the contingent committee, to know if they might summon witnesses. It was only for those other Chairmen to give witnesses a certificate that the attendance of the witnesses to be paid was necessary, and the Contingent committee then ascertained whether the charges were fair. It was a most unpleasant duty, from which, if the House pleased, the Contingent Committee would be most glad to be relieved.<sup>14</sup>

MESSRS. INSP. GEN. HINCKS, WILSON, and COL. GUGY spoke against the motion<sup>15</sup>.



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the House divided:--And it passed in the Negative.

Joint Stock  
Road and  
Bridge, &c.,  
Companies  
(L.C.) Bill.

Ordered, That Mr. Beaubien have leave to bring in a Bill to authorize the formation of Joint Stock Companies in Lower Canada, for the construction of Macadamized Roads, and of Bridges and other works of like nature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Cobourg and  
Grafton Road  
Company Bill.

Ordered, That the 68th Rule of this House be suspended so far as relates to the introduction of a Bill to amend the Act to incorporate the Cobourg and Grafton Road Company.

Ordered, That Mr. Boulton, of Toronto, have leave to bring in a Bill to extend, alter, and amend an Act, intituled, "An Act to incorporate the Cobourg and Grafton Road Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Hincks, seconded by Mr. Wetenhall,

Estimates  
for 1849,  
committed.

Ordered, That the Message of His Excellency the Governor General transmitting to this House the Estimates of the Sums required for the Service of the year 1849, together with the said Estimates,

be referred to the Committee of Supply.

Public Works  
Tolls Bill.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to make better provision with regard to the Tolls to be levied on the Public Provincial Works, and for other purposes relative to the said Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Haldimand  
County Divi-  
sion Bill.

Ordered, That Mr. Fergusson have leave to bring in a Bill to divide the County of Haldimand.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Joint Stock  
Companies  
Bill.

An engrossed Bill from the Legislative Council, intituled, "An Act to provide for the formation of incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes," was, according to Order, read the third time.

Mr. Richards moved, seconded by Mr. Smith, of Durham, and the Question being proposed, That the Bill do pass;<sup>16</sup>

MR. INSP. GEN. HINCKS hoped the motion would not be granted at least till Hon. Members were informed of the nature of its principles. He did not

think a bill of so much importance should be read and passed as a matter of course, without any explanation<sup>17</sup> of what its provisions were with respect to the liabilities of Stockholders, as any Company might be incorporated under it.<sup>18</sup>

SIR A. MACNAB concurred in the opinion expressed by the Hon. Inspector General.<sup>19</sup> The Bill was a private Bill, and should have been advertised in the Gazette.<sup>20</sup>

MR. RICHARDS denied that it was a private Bill<sup>21</sup>. The bill was prepared with a great deal of care, by a member of the House, and had received the assent of the other House, as a measure well calculated to benefit the commercial interests of the Province. He thought that it was scarcely fair now at the third reading, to rise to oppose the bill, when no objection had been made to it at any other stage. It was a Bill that would have the effect of encouraging domestic manufactures, and was perhaps on that account objectionable to some hon. gentlemen, but it, or a law very similar, had been carried into effect in some of the northern States<sup>22</sup> New York and Massachusetts<sup>23</sup> and had been found to work well<sup>24</sup>. Manufactory had jotted every stream where similar Bills had been in operation.<sup>25</sup> He believed that it also resembled a law that had gone into successful operation in England. The hon. gentleman then explained the principle of the Bill which was to allow any number of persons to incorporate themselves, the stockholders to be liable individually<sup>26</sup> to the whole amount of their property till the entire stock had been paid up, and always liable for servants' wages<sup>27</sup> for the debts of the company, but after the capital was paid up they were only to be liable for the amount invested.<sup>28</sup>

MR. INSP. GEN. HINCKS said it was true that the assent of another branch of the legislature, and the fact that a similar law worked well in some of the neighbouring States, were strong arguments in favor of the Bill, but he did not think they were sufficient reasons for passing the bill through the House without giving one word of explanation. He thought he had a right to ask for an explanation, more particularly as hon. gentlemen to whom he had applied for information respecting it would give him none, but at the same time he would say that he did not think anything he had ever said or done in the House or out of it, warranted the insinuation that he was opposed to domestic manufactures. He was as desirous of seeing domestic manufactures encouraged as any one and the mere fact of his refusing to protect certain class interests, was not in his opinion a sufficient ground for making an insinuation of that nature.<sup>29</sup>

MR. COM. CR. LANDS PRICE was opposed to the principle of the Bill, and always had been opposed to the incorporation of Mercantile Corporations; it had the effect of placing the stockholders beyond the reach of the Creditors in the usual manner.<sup>30</sup> If he understood the hon. member for Leeds rightly, the individual liability of each member ceased after the capital of the company were carried into effect. The public might lose a large amount if the affairs of the company were recklessly or improvidently managed.<sup>31</sup> He would oppose the Bill, if the hon. gentleman would not consent to postpone it.<sup>32</sup>

MR. RICHARDS intimated his willingness to postpone the third reading for the present, and also that he would be ready to confine its operation to U.C., if hon. members from L.C. were opposed to the bill.<sup>33</sup>

MR. INSP. GEN. HINCKS said, in glancing over the Bill, he found it was

loosely drawn, there being no limit to the amount of Capital. A general Bill of this kind was wanted, but its provisions should be strictly guarded.<sup>34</sup>

MR. CAYLEY agreed with the remarks of the Hon. Inspector General.<sup>35</sup>

MR. DEWITT addressed the House, but in such a low voice that he was quite inaudible.<sup>36</sup>

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*Ordered, That the further consideration of the Question be postponed till Monday next.*

*Ordered, That the Bill be printed for the use of the Members of this House.*

Message from  
the Council.

*A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--*

*Mr. Speaker,*

Ontario Marine and Fire Insurance Company Bill.

*The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Ontario Marine and Fire Insurance Company," without any Amendment: And also,*

St. George's Society Bill.

*The Legislative Council have passed the Bill, intituled, "An Act to incorporate the St. George's Society of Quebec," with several Amendments; to which*

*they desire the concurrence of this House.*

*And then he withdrew.*

Executive Functionaries Bill.

*The Order of the day for the second reading of the Bill to limit the number of Executive Functionaries and the Salaries to be accorded to each, and for other purposes relating to their appointments to office, being read;*

*being read;*

*The Honorable Mr. Boulton moved, seconded by Mr. Smith, of Durham, and the Question being proposed, That the Bill be now read a second time;*<sup>37</sup>

MR. H. BOULTON (Norfolk) moved that a Bill to limit the number of Executive Functionaries in the Province be read a second time. The Bill was not to come into operation until October next.<sup>38</sup> He wished to direct the attention of the House to three points. The first was to reduce the number of Executive Functionaries. The Executive Council at present consists of ten members, the Cabinet in England consists of sixteen members, in the States the Cabinet consists<sup>39</sup> by law<sup>40</sup> of six members, and he thought it would be as well to limit the number of the Council in this Province by law, instead of leaving it discretion<sup>41</sup>. The principle he wished to inforce (sic) was to invest responsibility in a smaller sphere,<sup>42</sup> and he thought that six Cabinet councillor's (sic) were quite sufficient to manage the Government of the Colony.<sup>43</sup> He thought the Board of Works ought to have no seat in the Cabinet. It would be a very desirable saving of expense to have no President of the Council.<sup>44</sup> It appeared to him that the president of the council should also be the Speaker of the Legislative Council, as the Chancellor in England occupied the chair in the house of Lords. In his opinion it was time that some standard should be fixed by law, as the colony had at length obtained a position among the nations of the earth as a practically independent country, and it became doubly necessary to put every thing upon



a firm basis.<sup>45</sup> He thought the effect of limiting the Executive influence in the House would have an effect somewhat similar to increasing the Representation.<sup>46</sup> The second point to which he would call attention, was the change of the title of Solicitor General, to that of Advocate General.<sup>47</sup> It was proposed that there should be one Advocate General and one Solicitor General.<sup>48</sup> The third, was, that no pensions should be granted to any person, and that the salaries of no officials should be paid till the same had been assented to by Parliament. The hon. gentleman said that he thought the pressing of such a resolution would be a real kindness to any government, for it was notorious that every government was pestered with applications for pensions and places. He wished to know what was the practical utility of that clause of the Union Act which directed that no appropriation of public monies should be made without the consent of Parliament, when it was notorious that places were frequently created for friends, without the sanction of Parliament, and that those places were as frequently no benefit to the country?<sup>49</sup> In the United States the President could not appoint any functionary without the consent of the Legislature, and the Legislature know the exact amount paid to all Public Functionaries.<sup>50</sup> Those different questions had engaged his attention for some time past, and he hoped that the Bill would be read a second time, and in committee he would be ready to make any alterations that the House should think necessary.<sup>51</sup>

SIR A. MACNAB said he had always supposed the cabinet was formed by the will of the sovereign; now he understood we had what was called responsible government, or the British constitution in this country. He did not know that there was any limitation of the prerogative of the crown in England; nor did he think the House could limit the prerogative of the crown. Perhaps the hon. member would show some precedent for this course.<sup>52</sup>

MR. H. BOULTON said, it was only in ordinary times that the number of the Council should be limited to six, and not that the Crown should never have the power of appointing more.<sup>53</sup>

MR. AT. GEN. BALDWIN thought the points or facts in this case were resolved into a limitation of the number of cabinet, and a change of some high officers, which were usually supposed to form the cabinet; this attempt was certainly one to limit the prerogative. The word cabinet was not known to the constitution; it was a mere Committee of the Privy Council, consisting of the holders of certain high offices. The honorable member however, did not provide for limiting the number of these officers; but for limiting the number who should actually sit to decide on affairs of state. He had a constitutional objection to this course; and besides this he thought the limitation itself undesirable. Now it would not do to compare Canada with the United States in this respect. He thought our system was the best, because it gave more regular and constant control to the popular will; but leaving that out of the question it was clear that our government was not properly to be compared to the United States, but with England, the sister Provinces or the new constitutional monarchies of Europe. Now if these were examined it would be found that it had never been found possible to limit the membership of the cabinet. It was often necessary to increase the number in order to include some particular name of great weight. Thus the master of the mint, the commissioner of woods and forests was sometimes in and sometimes out of the cabinet--while sometimes a person holding no specific office was included. It was not to be supposed that the same necessity would not be

felt here, where useful public men were fewer than in England. As to changing the title of the Attorney General East, it was a matter of no consequence, but if desirable should be proposed by the government. He was quite ready to give his assent to the propriety of retrenchment; of course the government could only get money by coming down to that House to ask for it; but was it to be said that the government was to come down there to obtain the assent of the House in the appointment of every lock tender. Such a thing would deprive the government of all power whatever, which though liable to abuse, was in proper limits very necessary to the proper carrying on of the public service. With regard to the entire reorganization of the public service, it was a large subject, and it was not to be wondered at that present government had not yet had time to attend to it. They had conscientiously used every moment of their time for the public service, and he believed, whatever were their faults, could not be accused of idleness. They had done all that human nature could do and no more could be expected.<sup>54</sup>

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*The Honorable Mr. Attorney General Baldwin moved in amendment to the Question, seconded by the Honorable Mr. Attorney General LaFontaine, That*

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*the word "now" be left out, and the words "this day three months" added at the end thereof;*

MR. CHRISTIE quite agreed with the opinions expressed by the hon. Atty. Gen. West. He considered the present system of Government, better than that which prevailed previous to the introduction of what was called Responsible Government. (Hear, hear.) Before that period the government was carried on by men who were not responsible and could not be made responsible for their acts, but now they had a set of men before them responsible for their acts to the House and the Country (hear.) He (Mr. Christie) was of opinion that the members of the Cabinet were more numerous than was necessary or advisable, but he was not prepared to reduce them by an act; he thought the more prudent way would be by an address. For instance there were two departments, the Head of which ought not in his opinion to hold seats in the Executive Council, the Commissioners of Crown Lands might be exempted, as the duties he had to perform were very extensive and numerous. Then there were the Commissioners of the Board of Works; the Cabinet had to a certain extent to appropriate money for carrying on the public Works and he thought it absurd that the commissioners should be voting and auditing at the same time. He would wish to see these parties exempted not expelled from the Cabinet but he was not prepared to take the step of limiting the prerogative of the Crown. (Hear, hear.) Let the beautiful system be tried a little longer. He had had occasion sometimes to speak against Responsible Government but he must admit that although we had not arrived at perfection, the administration of the government was better now than it was some ten years ago. (Hear, hear.) Things were certainly improving although there was still great field for improvement. (Hear, hear.)<sup>55</sup>

MR. PAPINEAU did not object to the bill because it restrained the prerogative, because the prerogative was restrained every day. He condemned it, because it sanctioned the principle that the Crown should interfere by its Ministers in the deliberations of the House. The idea of Lords Durham and Sydenham that the heads of departments should form the Cabinet, had appeared

plausible, and had been approved, but this unheard of principle had brought about this inconvenience, that the Attornies General were chief Ministers of the Cabinet, and were mixed up in politics, instead of looking after the correct administration of justice. In no other country did it happen that men exercising such functions, were promoted to the Bench, there to carry their political prejudices. In England it was not so; the law officers there were chosen for their reputation as lawyers; not their political value. The hon. member, however, in citing the example of the United States in terms of praise, praised a system which was entirely contrary to ours. In the United States it was well known that the Ministry had no seats whatever in the House of Congress; it was entirely contrary to their system, which attempted to provide for the independence of the House by excluding the influence of the Executive. A rational bill would seek to diminish the influence of the Administration by diminishing the direct action of the Cabinet in the House--by limiting, for example, the number of chiefs of departments who might sit in the House, to the number of three.--It was absurd--the idea of Lord Durham, that the heads of departments ought to be in the House, for many men well fitted for the management of ... these departments were not at all fitted for the House. In fact it was all a chance which gave responsible government to Canada, and it was this which the hon. member desired to sanction. The hon. member who had none of the responsibility of the ministry, should certainly not take such a measure as this out of the hands of the government, in whom he professed to have confidence, and if he were about to make any change of this kind, he should certainly begin with the Upper House, which all agreed in desiring to reform. The attempts to restrain the expenditure of the government was good; but it could only be effectual when the entire house would set itself honestly to effect it. The hon. member for the North Riding who spoke of popular control, forgot that the Governor General had been able for four years to oppose the will of the people, while in the United States the representatives were chosen every two years. He was very glad, however, to see the independence of the hon. member for Norfolk, and of the ministry on the present occasion. On a former one, the hon. member had acted the part of man midwife to one of their measures (Rebellion losses) and what promised to be an abortion, was safely delivered as a fair, lively, healthy bantling.<sup>56</sup>

MR. INSP. GEN. HINCKS said, that his hon. friend the Attorney General had treated the constitutional objection to the bill so satisfactorily and conclusively, that he (Mr. Hincks) did not deem it necessary to refer to that branch of the subject; he would merely offer a few remarks, from his own experience as a member of the Government, in reply to the objections to the composition of the Cabinet, urged by the hon. members for Norfolk and Gaspé. He would refer especially to the objection made to the Commissioners of the Board of Works holding seats in the Cabinet. He did not mean to say that it was absolutely necessary they should have seats in the Cabinet--it was one of those matters to be regulated by convenience; but he contended for the absolute necessity, in order for the Government to be properly administrated, that there should be one gentleman connected with the Board of Works in the administration. From his experience, he should say it was absolutely necessary. Indeed, he could not see how the Government could be carried on without it. He could not understand the objections made by the hon. members for Norfolk and Gaspé, respecting the Commissioners of Public Works having the expenditure of large sums of money. It was practically not the Commis-



sioners of Public Works who expended the money; they directed the expenditure, it was true, but they did it with the sanction of the Executive Council. Hon. Members who reflected a moment on the subject, must see the necessity of the minister who recommended a particular appropriation, being present when the matter was being discussed by his colleagues. And so it was with the Crown Lands Commissioners. It was impossible to take up subjects connected with his department in his absence. With regard to American practice, it had been pointed out by the hon. member for Norfolk, that in the United States Cabinet there were only six members whilst there was a larger number here. It must be quite obvious that the systems differed materially. One important branch of the duty of the administration here, was to prepare measures to be submitted to Parliament, but in the United States the Heads of the Departments only submitted annual messages to Congress, and the bills were prepared by Committees so that the Chairman of these Committees actually discharged in the two Houses of Congress the functions of the Heads of the Department. It was unnecessary to discuss the advantage of the two systems, he merely stated the fact. There was another reason why it was necessary to have a larger Cabinet here, than in Nova Scotia or New Brunswick. These Provinces had been recently united, they had different systems of law and the people were of different races; it was therefore, utterly impossible to conduct the affairs of the Government, with as small a Cabinet as sufficed in countries where the same laws prevailed throughout; it was desirable also, that there should be people in the Administration acquainted with the state of public feeling in the different districts of the Province. He (Mr. H.) had heard great objection to the presence of the Attorneys General in the Cabinet, and it certainly was not the practice in England, but hon. members must look at the composition of the House, and members of the legal profession it it; he was not one of those who would disparage the gentlemen of the legal profession, they were in his opinion more competent than the generality of men, to conduct the public affairs of the country. The Inspector and Receiver Generalships were offices more fitted to be filled by those accustomed to commercial pursuits, than by members of the legal profession and the same thing might be said of the Board of Works' Department. The only offices in the Cabinet then, suited for members of the legal profession were the Attornies Generalship and the Secretaryship; to exclude the Attornies General therefore would cause great practical injury to the business of the country, as the leaders of both parties were lawyers. The hon. member concluded by saying that he entirely concurred in what had fallen from his colleague, and should oppose the bill.<sup>57</sup>

MR. WILSON was surprised that the time of the House had been occupied in uselessly discussing this measure, about which the hon. member for Norfolk ought to have been the last to say a word, since if public rumour had any truth in it, the principal fault he found with the cabinet originally was that it was one too few.--(Laughter.) All this time was wasted for nothing, while there were 94 motions on the order of the day.<sup>58</sup>

MR. H. BOULTON said he did not mind these allusions, and replied to the arguments of preceding speakers.<sup>59</sup>

Upon MR. MORIN, the Speaker, putting the motion on the amendment, there were cries of yes throughout the House without any no<sup>60</sup>.

SIR A. MACNAB asked for the names.<sup>61</sup>

MR. MORIN, The SPEAKER.--No one calls for them. (Laughter.)<sup>62</sup>

SIR A. MACNAB--then we are unanimous. (Laughter)--but we must have the names.<sup>63</sup>

MR. H. BOULTON.--Well then I shall vote in the nays.<sup>64</sup>

Accordingly the whole House rose and it was supposed that the hon. member for Norfolk would be the only person on his own side of the question; but when the names were taken Mr. Flint came to the rescue, and subsequently Mr. Malloch obtained leave of the House to change his vote.<sup>65</sup>

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The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Armstrong, Badgley, Attorney General Baldwin, Bell, Solicitor General Blake, Bouthillier, Burritt, Cartier, Cauchon, Cayley, Chauveau, Christie, Crysler, Davignon, DeWitt, Solicitor General Drummond, Dumas, Egan, Fortier, Fournier, Gugy, Hall, Hincks, Holmes, Jobin, Johnson, Attorney General LaFontaine, Lemieux, Sir Allan N. MacNab, M'Connell, M'Farland, Merritt, Méthot, Morrison, Nelson, Notman, Papineau, Polette, Price, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Stevenson, Taché, Thompson, Viger, Wetenhall, and Wilson.--(48.)

NAYS.

Messieurs Boulton of NORFOLK, Flint, and Malloch.--(3.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

The House divided:--And it was resolved in the Affirmative.

Ordered, That the Bill be read a second time, this day three months.

Primeaux and  
Trottier's  
Bridge Bill.

The Order of the day for the second reading of the Bill to authorize Marc Antoine Primeaux and Antoine A. Trottier to erect a Toll Bridge over the River Chateauguay, in the Parish of Ste. Martine, and to make a Plank Road from the River St. Lawrence to the River Chateauguay, in the said Parish, and to fix the Tolls to be taken upon the said Bridge and Road, and to make further provision in that behalf, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Road and Bridge Bills.

Manufactory-  
ies Bill.

The Order of the day for the second reading of the Bill to enable the British American Land Company to promote and establish Manufactories in the Eastern Townships of Canada, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Nuns of the  
Quebec Gen-  
eral Hospital  
Property Bill.

The Order of the day for the House in Committee on the engrossed Bill from the Legislative Council, intituled, "An Act to authorize the Community of the Nuns of the General Hospital of Quebec to acquire and hold additional real and personal property to a certain amount," being read;

The House accordingly resolved itself into the said Committee.

*Mr. M'Connell took the Chair of the Committee;*<sup>66</sup>

MR. CHAUVEAU explained the nature of the Institution which asked for the Bill; the extent of the property it held, and the necessity for the Bill.<sup>67</sup>

MR. H. BOULTON moved an amendment to the effect, that the operation of the Bill be confined to Lower Canada.<sup>68</sup>

DR. NELSON complained of some remarks which had been made by some member upon a visit to the Grey Nunnery, which had been felt as a great insult by the Ladies of that Institution.--(Cries of name.) He was led to believe that it was the Hon. member for Norfolk who made the remarks.<sup>69</sup>

MR. H. BOULTON could not remember ever having made any observations against the management of the Institution in question; on the contrary, he had always expressed his great approbation of the conduct of the Ladies belonging to the Institution.<sup>70</sup>

MR. WILSON took occasion to lecture the hon. member for Norfolk on his habit of jumping up and wasting the time of the House, by speaking for an hour on every subject that came up; the other night he opposed a bill introduced by him (Mr. Wilson) and ended by acknowledging that he had not even read it over. (Hear, and Laughter.)<sup>71</sup>

After some discussion, the amendment was put and carried.<sup>72</sup>

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*and after some time spent therein,*

*Mr. Speaker resumed the Chair;*

*And Mr. M'Connell reported, That the Committee had gone through the Bill, and made Amendments thereunto.*

*Ordered, That the Report be now received.*

*Mr. M'Connell reported the Bill accordingly; and the Amendments were read, as follow:--*

*Press 1, line 27. Strike out "this Province" and insert "Lower Canada."*

*Press 1, line 33. After "whatsoever" insert "in Lower Canada."*

*Press 1, line 41. After "thereof" insert "in Lower Canada."*

*The said Amendments, being read a second time, were agreed to.*

*Ordered, That the Amendments be engrossed.*

*J. Yule's Mill  
Dam Bill.*

*The Order of the day for the second reading of the Bill to authorize John Yule, the younger, Esquire, and others, to erect a Mill Dam upon the River Riche-lieu, in the District of Montreal, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*

*Pères  
Oblats Bill.*

*The Order of the day for the second reading of the Bill to incorporate "Les Révérends Pères Oblats de l'Immaculée Conception de Marie," in the Province of*

*Canada, being read;*

*The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.*



Bill relating  
to Actions  
upon Foreign  
Judgments.

The Order of the day for the second reading of the Bill to authorize Defendants to make full defence in certain cases in Actions upon foreign Judgments, being read;

The Honorable Mr. Boulton moved, seconded by Mr. Armstrong, and the Question being proposed, That the Bill be now read a second time;<sup>73</sup>

MR. SOL. GEN. DRUMMOND thought the principle of the Bill a bad one. There was a desire on the part of most nations to give authenticity to judgments rendered in other countries, and this Bill went to treat foreign judgments as entirely worthless, and of no authority.<sup>74</sup>

MR. WILSON also opposed the Bill.<sup>75</sup>

MESSRS. J. SMITH (Durham) and CARTIER spoke against the Bill.<sup>76</sup>

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Mr. Morrison moved in amendment to the Question, seconded by Mr. Solicitor General Drummond, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment:--It was unanimously resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time, this day six months.

Petit Jurors  
(U.C.) Bill.

The Order of the day for the House in Committee on the Bill to limit the number of Petit Jurors to be summoned to attend the several Courts in Upper Canada, and to provide for the payment of them, being read;

The House accordingly resolved itself into the said Committee.

The Honorable Mr. Badgley took the Chair of the Committee;<sup>77</sup>

A considerable discussion took place on several of the clauses of the Bill, but from the confusion which existed, we could not hear the most of what was said. The different clauses of the Bill were adopted<sup>78</sup>.

(220)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. Badgley reported, That the Committee had gone through the Bill, and made amendments thereunto.

And the Question being put, That the Report be received to-morrow;

Mr. Johnson moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "That" be left out, and the words "the Bill be re-committed to a Committee of the whole House, for to-morrow, for the purpose of reconsidering the eleventh Clause" added instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Attorney General Baldwin, Boulton of NORFOLK, Cayley, Christie, DeWitt, Egan, Fournier, Gugy, Hall, Jobin, Johnson, Malloch, M'Farland, Papineau, Robinson, Seymour, Sherwood of BROCKVILLE, Stevenson, Thompson, Viger, and Wetenhall,--(22.)

NAYS.

Messieurs Armstrong, Beaubien, Solicitor General Blake, Bouthillier, Cameron of KENT, Cartier, Chabot, Chauveau, Davignon, Flint, Fortier, Fourquin, Guillet, Holmes, Laurin, Lemieux, Sir Allan N. MacNab, Méthot, Morrison, Notman, Price, Richards, Smith of DURHAM, and Wilson.--(24.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be received to-morrow.

St. Lawrence  
and Atlantic  
Railroad Bill.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Saint Lawrence and Atlantic Railroad Company, being read;

(221)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroad and Telegraph Line Bills.

Transfer of  
Real Property  
(U.C.) Bill.

The Order of the day for the House in Committee on the Bill to simplify the transfer of Real Property in Upper Canada, and to render certain rights and interests therein liable under execution, being read;

The House accordingly resolved itself into the said Committee.

Mr. Davignon took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Davignon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Thursday next.

Orders  
deferred.

Ordered, That the remaining Orders of the day be postponed till Thursday next.

Then, on motion of Mr. Gugy, seconded by Mr. Smith, of Durham,  
The House adjourned.

APPENDIX: 9 APRIL 1849.

((NOTICE OF MOTION RE: FEUDAL TENURE.))<sup>79</sup>

MR. AT. GEN. LAFONTAINE gave notice of a set of resolutions for the abolition of the feudal tenure in Lower Canada.<sup>80</sup>

((NOTICE OF A BILL RE: REGISTRY OFFICES IN LOWER CANADA.))<sup>81</sup>

MR. AT. GEN. LAFONTAINE ... in answer to Mr. Holmes gave notice of a bill to reform the registry offices of Lower Canada.<sup>82</sup>

((REMARK RE: SEAT OF GOVERNMENT.))<sup>83</sup>

MR. EGAN rose and said that he had the authority of Mr. Lyon to inform the House that he was willing to permit the Seat of Government to remain in Montreal this Session, but that he should be prepared to take up the subject of the removal to Bytown or Three Rivers next Session (laughter.)<sup>84</sup>



FOOTNOTES: 9 APRIL 1849.

1. The debate on this motion was reported by: PILOT, 11 April 1849, and PACKET, 21 April 1849, in identical accounts; and MONTREAL GAZETTE, 11 April 1849.
2. PILOT, 11 April 1849.
3. MONTREAL GAZETTE, 11 April 1849.
4. PILOT, 11 April 1849.
5. MONTREAL GAZETTE, 11 April 1849.
6. PILOT, 11 April 1849.
7. MONTREAL GAZETTE, 11 April 1849.
8. IBID.
9. PILOT, 11 April 1849.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this motion was reported by: PILOT, 11 April 1849, and PACKET, 21 April 1849, in identical accounts; and MONTREAL GAZETTE, 11 April 1849.
17. PILOT, 11 April 1849.
18. MONTREAL GAZETTE, 11 April 1849.
19. PILOT, 11 April 1849.
20. MONTREAL GAZETTE, 11 April 1849.
21. IBID.
22. PILOT, 11 April 1849.
23. MONTREAL GAZETTE, 11 April 1849.
24. PILOT, 11 April 1849.
25. MONTREAL GAZETTE, 11 April 1849.
26. PILOT, 11 April 1849.
27. MONTREAL GAZETTE, 11 April 1849.
28. PILOT, 11 April 1849.
29. IBID.
30. MONTREAL GAZETTE, 11 April 1849.
31. PILOT, 11 April 1849.
32. MONTREAL GAZETTE, 11 April 1849.
33. PILOT, 11 April 1849.
34. MONTREAL GAZETTE, 11 April 1849.
35. IBID.
36. PILOT, 11 April 1849.
37. The debate on this motion was reported by: PILOT, 11 April 1849, and BRITISH WHIG, 16 April 1849, in identical accounts; and MONTREAL GAZETTE, 11 April 1849. PILOT, 11 April 1849, noted the debate.
38. MONTREAL GAZETTE, 11 April 1849.
39. PILOT, 11 April 1849.
40. MONTREAL GAZETTE, 11 April 1849.
41. PILOT, 11 April 1849.
42. MONTREAL GAZETTE, 11 April 1849.
43. PILOT, 11 April 1849.
44. MONTREAL GAZETTE, 11 April 1849.
45. PILOT, 11 April 1849.

46. MONTREAL GAZETTE, 11 April 1849.
47. PILOT, 11 April 1849.
48. MONTREAL GAZETTE, 11 April 1849.
49. PILOT, 11 April 1849.
50. MONTREAL GAZETTE, 11 April 1849.
51. PILOT, 11 April 1849.
52. IBID.
53. MONTREAL GAZETTE, 11 April 1849.
54. PILOT, 11 April 1849.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. This matter was reported by: PILOT, 11 April 1849; and MONTREAL GAZETTE, 11 April 1849.
67. MONTREAL GAZETTE, 11 April 1849.
68. IBID.
69. IBID.
70. IBID.
71. PILOT, 11 April 1849.
72. MONTREAL GAZETTE, 11 April 1849.
73. This motion was reported by: MONTREAL GAZETTE, 11 April 1849; and PILOT, 11 April 1849.
74. MONTREAL GAZETTE, 11 April 1849.
75. IBID.
76. IBID.
77. This matter was reported by: MONTREAL GAZETTE, 11 April 1849; and PILOT, 11 April 1849.
78. MONTREAL GAZETTE, 11 April 1849.
79. This notice was reported by: PILOT, 11 April 1849, and PACKET, 21 April 1849, in identical accounts; and LE JOURNAL DE QUEBEC, 14 April 1849.
80. PILOT, 11 April 1849.
81. This notice was reported by: PILOT, 11 April 1849, and PACKET, 21 April 1849, in identical accounts.
82. PILOT, 11 April 1849.
83. This matter was reported by: PILOT, 11 April 1849, and PACKET, 21 April 1849, in identical accounts. PILOT, 11 April 1849, noted the debate.
84. PILOT, 11 April 1849.

## SECTION I: PROPER NAMES

### A

Armstrong, David Morrison, 946, 1104, 1134, 1134-1135, 1136, 1137, 1138, 1202, 1210, 1231, 1287, 1304, 1335, 1373, 1375, 1411, 1652, 1672, 1708, 1723, 1786, 1787, 1797.

### B

Badgley, William, 933, 936, 937, 938, 993-994, 1007, 1028, 1029, 1034, 1043, 1063, 1064, 1065, 1081, 1122-1123, 1136, 1153, 1162, 1301, 1304, 1376, 1377, 1393, 1445, 1491-1492, 1541, 1651, 1693, 1721, 1733, 1740, 1785, 1797.

Baldwin, Robert, 926, 928, 937, 938, 939, 941, 942, 949, 952, 954, 979-981, 981-982, 990, 1011-1012, 1012, 1021, 1026, 1043, 1063, 1077, 1079, 1080, 1095, 1099, 1104, 1124-1125, 1133, 1135-1136, 1138, 1139, 1159-1161, 1168, 1177, 1178, 1185, 1199, 1202-1203, 1209, 1210-1211, 1215, 1216, 1216-1217, 1218, 1225, 1229-1230, 1242, 1250, 1252, 1254, 1284, 1304, 1305, 1330, 1337-1338, 1348-1349, 1350, 1369, 1377, 1389-1390, 1420, 1458, 1467, 1468, 1472, 1484, 1484-1486, 1494, 1522-1523, 1538, 1539, 1544, 1551-1552, 1559, 1564, 1571, 1573, 1573-1574, 1575, 1579-1580, 1582, 1599, 1615, 1627, 1634, 1636, 1637, 1648, 1653, 1654, 1657, 1659-1660, 1662, 1663, 1669, 1684-1687, 1688, 1690, 1692, 1710, 1715, 1723, 1733, 1740, 1773, 1791-1792, 1792.

Beaubien, Pierre, 1066, 1190, 1274, 1295-1296, 1296, 1330, 1401, 1541, 1559, 1571, 1572, 1600, 1601, 1621, 1628, 1629, 1788.

Bell, Robert, 934, 940, 1109, 1134, 1188, 1201, 1202, 1285, 1295, 1372, 1417-1418, 1418, 1541, 1550, 1555, 1564, 1662, 1721, 1743.

Blake, William Hume, 938, 1007, 1013, 1019, 1020, 1034, 1057, 1080, 1129, 1130, 1130-1131, 1283-1284, 1284, 1289, 1296, 1390, 1391, 1392, 1404, 1652, 1653, 1661, 1691, 1692, 1715, 1723, 1728, 1732, 1733, 1735-1736.

Boulton, Henry John, 931-932?, 932?, 934, 934?, 935, 941?, 946?, 948?, 949?, 950?, 952, 966-967, 967, 968, 969, 1007?, 1017-1018, 1026, 1036?, 1064, 1065, 1069, 1094?, 1133?, 1134?, 1147?, 1148?, 1149?, 1158-1159, 1165, 1167?, 1202?, 1202, 1203, 1205?, 1208?, 1223, 1224, 1228, 1230?, 1232-1233, 1242, 1266, 1278?, 1279-1280, 1285-1286?, 1292?, 1296?, 1303, 1304, 1310?, 1328-1329, 1336, 1336-1337, 1337, 1338, 1374?, 1389, 1390, 1391, 1392, 1393, 1396?, 1402?, 1409, 1410, 1412, 1419?, 1481-1483, 1493, 1494-1495, 1508?, 1534, 1541?, 1549?, 1550-1551?, 1552, 1554?, 1559, 1568?, 1577, 1595?, 1599, 1603-1605, 1621?, 1626?, 1627?, 1632, 1653, 1668, 1668-1669, 1669, 1672?, 1687-1688, 1690, 1714, 1715?, 1728, 1728?, 1733?, 1733-1734, 1736, 1737?, 1785?, 1790, 1790-1791, 1791, 1794, 1795, 1796, 1797?.

Boulton, William Henry, 931-932?, 932?, 934?, 941?, 946?, 948?, 949?, 950?, 1007?, 1036?, 1065, 1094?, 1133?, 1134?, 1136, 1147?, 1148?, 1149?, 1167?, 1170, 1171, 1202?, 1205?, 1208?, 1230?, 1247, 1278?, 1285-1286?, 1292?, 1296?, 1306, 1310?, 1348, 1368, 1374?, 1396?, 1402?, 1410, 1419?, 1472, 1508?, 1541?, 1549?, 1550-1551?, 1554?, 1568?, 1592, 1595?, 1599, 1621?, 1626?, 1627?, 1628, 1631, 1672?, 1715, 1728?, 1732, 1733?, 1737?, 1785?, 1788, 1797?.

Bouthillier, Thomas, 929, 930, 930-931, 931, 934, 1310, 1344, 1417, 1458, 1530, 1583, 1623, 1729, 1745.



Brooks, Samuel, 927, 1277, 1295, 1407, 1434.  
Burritt, Read, 926, 940, 946, 1405, 1556, 1731.

## C

Cameron, John Hillyard, 1094?, 1136?, 1140?, 1710?.  
Cameron, Malcolm, 926, 927, 932, 934-935, 935, 940, 941, 946, 993, 1020, 1094?, 1104, 1136?, 1137, 1140?, 1147, 1162, 1174, 1186, 1201, 1223-1224, 1241, 1279, 1281, 1396, 1400, 1407, 1473, 1568, 1598, 1614-1615, 1616, 1620, 1622, 1622-1623, 1625, 1657, 1665, 1668, 1706, 1710?, 1720, 1735, 1743, 1744.  
Cartier, George Etienne, 936, 937, 938, 939, 946, 1028, 1044, 1077, 1176, 1253, 1290, 1348, 1367, 1410, 1418, 1419, 1495-1496, 1527, 1560, 1588, 1592, 1598, 1654, 1713, 1714, 1722, 1727, 1733, 1797.  
Cauchon, Joseph Edouard, 936, 937, 938, 969, 970, 1018, 1057, 1061, 1062-1063, 1099, 1103, 1140, 1233, 1305, 1393, 1410, 1417, 1434-1435, 1457, 1491, 1494, 1496, 1531, 1543, 1564, 1570, 1582, 1588, 1621, 1624, 1624-1625, 1625, 1659, 1660, 1666, 1684, 1711, 1731.  
Cayley, William, 951, 982-986, 995, 996, 999, 1026, 1083, 1089-1090, 1090-1092, 1093-1094, 1095-1096, 1139, 1173, 1174, 1241, 1254, 1258, 1258-1261, 1261, 1267, 1277, 1278, 1332, 1352, 1353, 1364-1367, 1367, 1384, 1386, 1528, 1552, 1599, 1636, 1708, 1711, 1740, 1754-1761, 1772, 1790.  
Chabot, Jean, 927, 929-930, 938, 1010, 1026, 1036, 1047, 1079, 1136, 1139, 1138, 1184, 1186, 1295, 1301, 1326, 1335, 1400, 1404, 1405, 1406, 1407, 1408, 1411, 1418, 1500, 1533, 1541, 1621, 1627, 1641, 1650-1651, 1653, 1654, 1660, 1701, 1711, 1715, 1721, 1787.  
Chauveau, Pierre Joseph Olivier, 926, 937, 938, 946, 955, 955-960, 994, 1021, 1030, 1069, 1070, 1079, 1109, 1149, 1184, 1193, 1230, 1232, 1274, 1279, 1282, 1302, 1311, 1318, 1331, 1336, 1347-1348, 1348, 1349, 1350, 1368, 1402, 1405, 1407, 1408-1409, 1414, 1420, 1421-1427, 1429, 1430, 1436, 1446-1447, 1447, 1448, 1448-1454, 1457, 1458, 1464, 1474-1475, 1496, 1553, 1641, 1661, 1684, 1720, 1786, 1796.  
Christie, Robert, 927, 937, 938, 950, 1007, 1017, 1018, 1041, 1041-1042, 1069, 1114, 1116, 1116-1117, 1125, 1126, 1134, 1164, 1172, 1185, 1189, 1232, 1241, 1282-1283, 1283, 1294, 1295, 1309, 1348, 1367, 1404-1405, 1409, 1411, 1464, 1483, 1494, 1501, 1525, 1543, 1544, 1560, 1571, 1582, 1582-1583, 1583, 1594, 1594-1595, 1624, 1625, 1635, 1636, 1637, 1641, 1645, 1652, 1666, 1667, 1690, 1709-1710, 1710, 1711, 1712, 1713, 1714, 1722, 1744-1745, 1786, 1786-1787, 1787, 1792.  
Crysler, John Pliny, 1286, 1647, 1668, 1693.  
Cuthbert, William.

## D

Davignon, Pierre, 973, 1132, 1168, 1283, 1292, 1294, 1299, 1317, 1323, 1372, 1480-1481, 1531, 1544, 1595, 1629, 1630, 1668, 1691, 1692, 1704, 1714, 1731, 1732, 1738, 1798.  
DeWitt, Jacob, 937, 1007, 1034, 1041-1042, 1063, 1077, 1147, 1162, 1185, 1200-1201, 1232, 1241, 1266-1267, 1287, 1288, 1304, 1310, 1323, 1324-1325, 1348, 1364, 1411, 1412, 1464, 1544, 1597, 1625, 1666, 1676, 1709, 1722, 1761-1762, 1762, 1762-1763, 1763-1764, 1764-1765, 1765, 1767, 1768, 1768-1769, 1786, 1790.  
Dickson, Walter Hamilton, 1294.

Drummond, Lewis Thomas, 929, 935, 935-936, 938, 946, 970,  
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Duchesnay, Antoine Juchereau, 1007, 1241, 1249, 1595, 1630, 1635.  
Dumas, Norbert, 926, 952, 1027-1028, 1205, 1241, 1278, 1419, 1562, 1598,  
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## E

Egan, John, 926, 1063-1064, 1069, 1309, 1344, 1376, 1487-1488, 1488, 1529,  
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## F

Fergusson, Adam Johnston, 946, 1041, 1042, 1188, 1205, 1231, 1304, 1396,  
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Flint, Billa, 932, 1041, 1077, 1096-1097, 1097, 1098, 1100, 1109, 1278, 1280,  
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Fortier, Thomas, 932, 1027, 1109, 1186, 1349, 1403, 1405, 1419, 1621, 1661,  
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Fournier, Charles François, 929, 1194, 1231, 1241, 1402, 1582, 1691, 1704.  
Fourquin dit Léveill  , Michel.

## G

Galt, Alexander Tilloch.  
Gugy, Bartholomew Conrad Augustus, 926, 936, 938, 941, 942, 967, 967-968,  
968-969, 969, 969-970, 970, 970-971, 971, 1013, 1022, 1029, 1036,  
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Guillet, Louis, 1078, 1186, 1191, 1670, 1773.

## H

Hall, James, 1025, 1110-1111, 1134, 1621, 1662.  
Hincks, Francis, 927, 931, 947, 952, 971, 1013, 1018, 1042, 1043, 1045,  
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1267, 1269, 1282, 1297-1298, 1313, 1319-1322, 1324, 1330-1331, 1349,  
1350, 1352, 1352-1353, 1353, 1362, 1362-1364, 1364, 1367, 1381, 1382,  
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1654, 1655, 1667, 1679, 1689, 1689-1690, 1706, 1707, 1708, 1713, 1715, 1739, 1746-1751, 1751-1753, 1753-1754, 1762, 1773, 1774, 1787, 1788, 1788-1789, 1789, 1789-1790, 1793-1794.

Holmes, Benjamin, 937, 946, 1034, 1065, 1069, 1080, 1081, 1229, 1230, 1241, 1267, 1267-1268, 1274, 1310, 1325-1326, 1348, 1375, 1387-1388, 1400-1401, 1401, 1406, 1408, 1464, 1465, 1465-1467, 1531, 1597, 1628, 1636, 1657, 1658-1659, 1659, 1691, 1703, 1704, 1739, 1766-1767, 1767, 1767-1768, 1768, 1771.

## J

Jobin, André, 1007, 1210, 1274, 1310, 1374, 1375, 1411, 1532, 1533, 1597, 1623, 1630, 1641, 1647.

Johnson, Thomas Hall, 924, 926, 1067, 1081, 1229, 1274, 1399, 1615, 1703, 1797.

## L

LaFontaine, Louis Hippolyte, 954, 1000, 1001, 1012, 1030, 1069, 1070, 1079, 1095, 1104, 1117, 1148, 1149, 1150, 1150-1151, 1151, 1151-1153, 1153, 1158, 1161, 1164, 1165, 1167, 1168, 1200, 1210, 1214, 1215, 1220, 1221, 1229-1230, 1233, 1243, 1250, 1253, 1284, 1299-1300, 1302, 1311-1312, 1337, 1349, 1368, 1376-1377, 1377, 1392, 1393, 1420, 1428-1429, 1429-1430, 1430-1434, 1434, 1458, 1467-1468, 1468, 1472, 1475-1476, 1476, 1495, 1530-1531, 1532, 1564, 1570, 1582, 1622, 1626, 1627, 1649-1650, 1652, 1664, 1667, 1690, 1691, 1709, 1711, 1712, 1713, 1714, 1727, 1734, 1740, 1792, 1799.

Laterrière, Marc Pascal de Sales, 933, 940, 986-989, 1061, 1123-1124, 1134, 1207, 1219, 1287, 1302, 1333, 1417, 1479-1480, 1524, 1533, 1556, 1559, 1653-1654, 1654, 1660, 1712.

Laurin, Joseph, 927, 933, 935, 955, 986, 1001, 1010, 1010-1011, 1078, 1299, 1398, 1420, 1427-1428, 1434, 1458, 1478-1479, 1500, 1530, 1531, 1533, 1543, 1554, 1563, 1570, 1623, 1626, 1657, 1661, 1677, 1691, 1693, 1701, 1704, 1722, 1728, 1729, 1785, 1792.

Lemieux, François, 932, 936, 1077, 1109, 1241, 1279, 1282, 1283, 1294, 1302-1303, 1347, 1350, 1374, 1396, 1398, 1411, 1464, 1529, 1541, 1570, 1641, 1652, 1657, 1661, 1662, 1782.

Lyon, George Byron, 941, 1066, 1287, 1483-1484, 1486, 1529, 1558, 1629, 1714, 1720.

## M

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